

## Calendar No. 634

114TH CONGRESS  
2D SESSION**H. R. 2647**

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2015

Received; read twice and referred to the Committee on Agriculture, Nutrition,  
and Forestry

SEPTEMBER 19, 2016

Reported by Mr. ROBERTS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**AN ACT**

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Resilient Federal Forests Act of 2015”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-  
 ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST  
 MANAGEMENT ACTIVITIES**

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed  
 collaborative forest management activities.

Sec. 102. Categorical exclusion to expedite certain critical response actions.

Sec. 103. Categorical exclusion to expedite salvage operations in response to  
 catastrophic events.

Sec. 104. Categorical exclusion to meet forest plan goals for early successional  
 forests.

Sec. 105. Clarification of existing categorical exclusion authority related to in-  
 sect and disease infestation.

Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wild-  
 fire.

Sec. 107. Compliance with forest plan.

**TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO  
 CATASTROPHIC EVENTS**

Sec. 201. Expedited salvage operations and reforestation activities following  
 large-scale catastrophic events.

Sec. 202. Compliance with forest plan.

Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunc-  
 tions pending appeal.

Sec. 204. Exclusion of certain lands.

**TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT**

Sec. 301. Definitions.

Sec. 302. Bond requirement as part of legal challenge of certain forest manage-  
 ment activities.

**TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-  
 DETERMINATION ACT AMENDMENTS**

Sec. 401. Use of reserved funds for title II projects on Federal land and certain  
 non-Federal land.

Sec. 402. Resource advisory committees.

Sec. 403. Program for title II self-sustaining resource advisory committee  
 projects.

Sec. 404. Additional authorized use of reserved funds for title III county  
 projects.

Sec. 405. Treatment as supplemental funding.

#### TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.

Sec. 502. Excess offset value.

Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.

Sec. 504. Submission of existing annual report.

Sec. 505. Fire liability provision.

#### TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.

Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.

Sec. 603. State-supported planning of forest management activities.

#### TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.

Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

Sec. 703. Tribal forest management demonstration project.

#### TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.

Sec. 802. Conditions on Forest Service road decommissioning.

Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 805. Knutson-Vandenberg Act modifications.

Sec. 806. Exclusion of certain National Forest System lands and public lands.

Sec. 807. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.

Sec. 808. Management of Bureau of Land Management lands in western Oregon.

Sec. 809. Bureau of Land Management resource management plans.

Sec. 810. Landscape-scale forest restoration project.

#### TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 901. Wildfire on Federal lands.

Sec. 902. Declaration of a major disaster for wildfire on Federal lands.

Sec. 903. Prohibition on transfers.

## 1 SEC. 2. DEFINITIONS.

## 2 In titles I through VIII:

1           (1) CATASTROPHIC EVENT.—The term “cata-  
 2           strophic event” means any natural disaster (such as  
 3           hurricane, tornado, windstorm, snow or ice storm,  
 4           rain storm, high water, wind-driven water, tidal  
 5           wave, earthquake, volcanic eruption, landslide,  
 6           mudslide, drought, or insect or disease outbreak) or  
 7           any fire, flood, or explosion, regardless of cause.

8           (2) CATEGORICAL EXCLUSION.—The term “cat-  
 9           egorical exclusion” refers to an exception to the re-  
 10          quirements of the National Environmental Policy  
 11          Act of 1969 (42 U.S.C. 4331 et seq.) for a project  
 12          or activity relating to the management of National  
 13          Forest System lands or public lands.

14          (3) COLLABORATIVE PROCESS.—The term “col-  
 15          laborative process” refers to a process relating to the  
 16          management of National Forest System lands or  
 17          public lands by which a project or activity is devel-  
 18          oped and implemented by the Secretary concerned  
 19          through collaboration with interested persons, as de-  
 20          scribed in section 603(b)(1)(C) of the Healthy For-  
 21          ests Restoration Act of 2003 (16 U.S.C.  
 22          6591b(b)(1)(C)).

23          (4) COMMUNITY WILDFIRE PROTECTION  
 24          PLAN.—The term “community wildfire protection  
 25          plan” has the meaning given that term in section

1       ~~101(3) of the Healthy Forests Restoration Act of~~  
2       ~~2003 (16 U.S.C. 6511(3)).~~

3           ~~(5) COOS BAY WAGON ROAD GRANT LANDS.—~~

4       The term “Coos Bay Wagon Road Grant lands”  
5       means the lands reconveyed to the United States  
6       pursuant to the first section of the Act of February  
7       26, 1919 (40 Stat. 1179).

8           ~~(6) FOREST MANAGEMENT ACTIVITY.—~~The  
9       term “forest management activity” means a project  
10      or activity carried out by the Secretary concerned on  
11      National Forest System lands or public lands in con-  
12      cert with the forest plan covering the lands.

13          ~~(7) FOREST PLAN.—~~The term “forest plan”  
14      means—

15           ~~(A)~~ a land use plan prepared by the Bu-  
16      reau of Land Management for public lands pur-  
17      suant to section 202 of the Federal Land Policy  
18      and Management Act of 1976 (43 U.S.C.  
19      1712); or

20           ~~(B)~~ a land and resource management plan  
21      prepared by the Forest Service for a unit of the  
22      National Forest System pursuant to section 6  
23      of the Forest and Rangeland Renewable Re-  
24      sources Planning Act of 1974 (16 U.S.C.  
25      1604).

1           (8) ~~LARGE-SCALE CATASTROPHIC EVENT.~~—The  
 2       term “large-scale catastrophic event” means a cata-  
 3       strophic event that adversely impacts at least 5,000  
 4       acres of reasonably contiguous National Forest Sys-  
 5       tem lands or public lands.

6           (9) ~~NATIONAL FOREST SYSTEM.~~—The term  
 7       “National Forest System” has the meaning given  
 8       that term in section 11(a) of the Forest and Range-  
 9       land Renewable Resources Planning Act of 1974 (16  
 10      U.S.C. 1609(a)).

11          (10) ~~OREGON AND CALIFORNIA RAILROAD~~  
 12      ~~GRANT LANDS.~~—The term “Oregon and California  
 13      Railroad Grant lands” means the following lands:

14           (A) All lands in the State of Oregon re-  
 15           vested in the United States under the Act of  
 16           June 9, 1916 (39 Stat. 218), that are adminis-  
 17           tered by the Secretary of the Interior, acting  
 18           through the Bureau of Land Management, pur-  
 19           suant to the first section of the Act of August  
 20           28, 1937 (43 U.S.C. 1181a).

21           (B) All lands in that State obtained by the  
 22           Secretary of the Interior pursuant to the land  
 23           exchanges authorized and directed by section 2  
 24           of the Act of June 24, 1954 (43 U.S.C. 1181h).

1           (C) All lands in that State acquired by the  
2           United States at any time and made subject to  
3           the provisions of title II of the Act of August  
4           28, 1937 (43 U.S.C. 1181f).

5           (11) PUBLIC LANDS.—The term “public lands”  
6           has the meaning given that term in section 103(e)  
7           of the Federal Land Policy and Management Act of  
8           1976 (43 U.S.C. 1702(e)), except that the term in-  
9           cludes Coos Bay Wagon Road Grant lands and Or-  
10          regon and California Railroad Grant lands.

11          (12) REFORESTATION ACTIVITY.—The term  
12          “reforestation activity” means a project or activity  
13          carried out by the Secretary concerned whose pri-  
14          mary purpose is the reforestation of impacted lands  
15          following a large-scale catastrophic event. The term  
16          includes planting, evaluating and enhancing natural  
17          regeneration, clearing competing vegetation, and  
18          other activities related to reestablishment of forest  
19          species on the fire-impacted lands.

20          (13) RESOURCE ADVISORY COMMITTEE.—The  
21          term “resource advisory committee” has the mean-  
22          ing given that term in section 201(3) of the Secure  
23          Rural Schools and Community Self-Determination  
24          Act of 2000 (16 U.S.C. 7121(3)).

1           ~~(14)~~ SALVAGE OPERATION.—The term “salvage  
2           operation” means a forest management activity un-  
3           dertaken in response to a catastrophic event whose  
4           primary purpose—

5                   (A) is to prevent wildfire as a result of the  
6                   catastrophic event, or, if the catastrophic event  
7                   was wildfire, to prevent a re-burn of the fire-im-  
8                   pacted area;

9                   (B) is to provide an opportunity for utiliza-  
10                  tion of forest materials damaged as a result of  
11                  the catastrophic event; or

12                  (C) is to provide a funding source for re-  
13                  forestation and other restoration activities for  
14                  the National Forest System lands or public  
15                  lands impacted by the catastrophic event.

16           ~~(15)~~ SECRETARY CONCERNED.—The term  
17           “Secretary concerned” means—

18                   (A) the Secretary of Agriculture, with re-  
19                   spect to National Forest System lands; and

20                   (B) the Secretary of the Interior, with re-  
21                   spect to public lands.



1 **TITLE I—EXPEDITED ENVIRON-**  
 2 **MENTAL ANALYSIS AND**  
 3 **AVAILABILITY OF CATEGOR-**  
 4 **ICAL EXCLUSIONS TO EXPE-**  
 5 **DITE FOREST MANAGEMENT**  
 6 **ACTIVITIES**

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**  
 8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**  
 9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 ~~(a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-~~  
 11 ~~SESSMENTS AND ENVIRONMENTAL IMPACT STATE-~~  
 12 ~~MENTS.—This section shall apply whenever the Secretary~~  
 13 ~~concerned prepares an environmental assessment or an en-~~  
 14 ~~vironmental impact statement pursuant to section 102(2)~~  
 15 ~~of the National Environmental Policy Act of 1969 (42~~  
 16 ~~U.S.C. 4332(2)) for a forest management activity that—~~

- 17 ~~(1) is developed through a collaborative process;~~  
 18 ~~(2) is proposed by a resource advisory com-~~  
 19 ~~mittee; or~~  
 20 ~~(3) is covered by a community wildfire protec-~~  
 21 ~~tion plan.~~

22 ~~(b) CONSIDERATION OF ALTERNATIVES.—In an envi-~~  
 23 ~~ronmental assessment or environmental impact statement~~  
 24 ~~described in subsection (a), the Secretary concerned shall~~

1 study, develop, and describe only the following two alter-  
 2 natives:

3           ~~(1)~~ The forest management activity, as pro-  
 4 posed pursuant to paragraph ~~(1)~~, ~~(2)~~, or ~~(3)~~ of sub-  
 5 section ~~(a)~~.

6           ~~(2)~~ The alternative of no action.

7       ~~(c) ELEMENTS OF NON-ACTION ALTERNATIVE.—~~In  
 8 the case of the alternative of no action, the Secretary con-  
 9 cerned shall evaluate—

10           ~~(1)~~ the effect of no action on—

11                   ~~(A)~~ forest health;

12                   ~~(B)~~ habitat diversity;

13                   ~~(C)~~ wildfire potential; and

14                   ~~(D)~~ insect and disease potential; and

15           ~~(2)~~ the implications of a resulting decline in  
 16 forest health, loss of habitat diversity, wildfire, or in-  
 17 sect or disease infestation, given fire and insect and  
 18 disease historic cycles, on—

19                   ~~(A)~~ domestic water costs;

20                   ~~(B)~~ wildlife habitat loss; and

21                   ~~(C)~~ other economic and social factors.

22 **~~SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-~~**  
 23 **~~TAIN CRITICAL RESPONSE ACTIONS.~~**

24       ~~(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—~~A  
 25 categorical exclusion is available to the Secretary con-

cerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is—

- (1) to address an insect or disease infestation;
- (2) to reduce hazardous fuel loads;
- (3) to protect a municipal water source;
- (4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances;
- (5) to increase water yield; or
- (6) any combination of the purposes specified in paragraphs (1) through (5).

(b) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 15,000 acres if the forest management activity—

1           (A) is developed through a collaborative  
2           process;

3           (B) is proposed by a resource advisory  
4           committee; or

5           (C) is covered by a community wildfire  
6           protection plan.

7   **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**  
8           **VAGE OPERATIONS IN RESPONSE TO CATA-**  
9           **STROPHIC EVENTS.**

10       (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A  
11       categorical exclusion is available to the Secretary con-  
12       cerned to develop and carry out a salvage operation as  
13       part of the restoration of National Forest System lands  
14       or public lands following a catastrophic event.

15       (b) **ACREAGE LIMITATIONS.**—

16           (1) **IN GENERAL.**—A salvage operation covered  
17       by the categorical exclusion granted by subsection  
18       (a) may not contain harvest units exceeding a total  
19       of 5,000 acres.

20           (2) **HARVEST AREA.**—In addition to the limita-  
21       tion imposed by paragraph (1), the harvest units  
22       covered by the categorical exclusion granted by sub-  
23       section (a) may not exceed one-third of the area im-  
24       pacted by the catastrophic event.

25       (c) **ADDITIONAL REQUIREMENTS.**—

1           (1) ROAD BUILDING.—A salvage operation cov-  
2       ered by the categorical exclusion granted by sub-  
3       section (a) may not include any new permanent  
4       roads. Temporary roads constructed as part of the  
5       salvage operation shall be retired before the end of  
6       the fifth fiscal year beginning after the completion  
7       of the salvage operation.

8           (2) STREAM BUFFERS.—A salvage operation  
9       covered by the categorical exclusion granted by sub-  
10      section (a) shall comply with the standards and  
11      guidelines for stream buffers contained in the appli-  
12      cable forest plan unless waived by the Regional For-  
13      ester, in the case of National Forest System lands,  
14      or the State Director of the Bureau of Land Man-  
15      agement, in the case of public lands.

16          (3) REFORESTATION PLAN.—A reforestation  
17      plan shall be developed under section 3 of the Act  
18      of June 9, 1930 (commonly known as the Knutson-  
19      Vandenberg Act; 16 U.S.C. 576b), as part of a sal-  
20      vage operation covered by the categorical exclusion  
21      granted by subsection (a).

1 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**  
2 **PLAN GOALS FOR EARLY SUCCESSIONAL**  
3 **FORESTS.**

4 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A  
5 categorical exclusion is available to the Secretary con-  
6 cerned to develop and carry out a forest management ac-  
7 tivity on National Forest System lands or public lands  
8 when the primary purpose of the forest management activ-  
9 ity is to modify, improve, enhance, or create early succes-  
10 sional forests for wildlife habitat improvement and other  
11 purposes, consistent with the applicable forest plan.

12 (b) **PROJECT GOALS.**—To the maximum extent prac-  
13 ticable, the Secretary concerned shall design a forest man-  
14 agement activity under this section to meet early succes-  
15 sional forest goals in such a manner so as to maximize  
16 production and regeneration of priority species, as identi-  
17 fied in the forest plan and consistent with the capability  
18 of the activity site.

19 (c) **ACREAGE LIMITATIONS.**—A forest management  
20 activity covered by the categorical exclusion granted by  
21 subsection (a) may not contain harvest units exceeding a  
22 total of 5,000 acres.

1 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**  
 2 **CLUSION AUTHORITY RELATED TO INSECT**  
 3 **AND DISEASE INFESTATION.**

4 Section 603(e)(2)(B) of the Healthy Forests Restora-  
 5 tion Act of 2003 (16 U.S.C. 6591b(e)(2)(B)) is amended  
 6 by striking “Fire Regime Groups I, II, or III” and insert-  
 7 ing “Fire Regime I, Fire Regime II, Fire Regime III, or  
 8 Fire Regime IV”.

9 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**  
 10 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

11 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A  
 12 categorical exclusion is available to the Secretary con-  
 13 cerned to carry out a forest management activity described  
 14 in subsection (c) on National Forest System Lands or  
 15 public lands when the primary purpose of the activity is  
 16 to improve, restore, or reduce the risk of wildfire on those  
 17 lands.

18 (b) **ACREAGE LIMITATIONS.**—A forest management  
 19 activity covered by the categorical exclusion granted by  
 20 subsection (a) may not exceed 5,000 acres.

21 (c) **AUTHORIZED ACTIVITIES.**—The following activi-  
 22 ties may be carried out using a categorical exclusion  
 23 granted by subsection (a):

24 (1) Removal of juniper trees, medusahead rye,  
 25 conifer trees, piñon pine trees, cheatgrass, and other  
 26 noxious or invasive weeds specified on Federal or

1 State noxious weeds lists through late-season live-  
 2 stock grazing, targeted livestock grazing, prescribed  
 3 burns, and mechanical treatments.

4 (2) Performance of hazardous fuels manage-  
 5 ment.

6 (3) Creation of fuel and fire breaks.

7 (4) Modification of existing fences in order to  
 8 distribute livestock and help improve wildlife habitat.

9 (5) Installation of erosion control devices.

10 (6) Construction of new and maintenance of  
 11 permanent infrastructure, including stock ponds,  
 12 water catchments, and water spring boxes used to  
 13 benefit livestock and improve wildlife habitat.

14 (7) Performance of soil treatments, native and  
 15 non-native seeding, and planting of and trans-  
 16 planting sagebrush, grass, forb, shrub, and other  
 17 species.

18 (8) Use of herbicides, so long as the Secretary  
 19 concerned determines that the activity is otherwise  
 20 conducted consistently with agency procedures, in-  
 21 cluding any forest plan applicable to the area cov-  
 22 ered by the activity.

23 (d) DEFINITIONS.—In this section:

24 (1) HAZARDOUS FUELS MANAGEMENT.—The  
 25 term “hazardous fuels management” means any



1 vegetation management activities that reduce the  
2 risk of wildfire.

3 ~~(2) LATE-SEASON GRAZING.—~~The term “late-  
4 season grazing” means grazing activities that occur  
5 after both the invasive species and native perennial  
6 species have completed their current-year annual  
7 growth cycle until new plant growth begins to ap-  
8 pear in the following year.

9 ~~(3) TARGETED LIVESTOCK GRAZING.—~~The  
10 term “targeted livestock grazing” means grazing  
11 used for purposes of hazardous fuel reduction.

12 **~~SEC. 107. COMPLIANCE WITH FOREST PLAN.~~**

13 A forest management activity covered by a categorical  
14 exclusion granted by this title shall be conducted in a man-  
15 ner consistent with the forest plan applicable to the Na-  
16 tional Forest System land or public lands covered by the  
17 forest management activity.

18 **TITLE II—SALVAGE AND REFOR-**  
19 **ESTATION IN RESPONSE TO**  
20 **CATASTROPHIC EVENTS**

21 **~~SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-~~**  
22 **~~ESTATION ACTIVITIES FOLLOWING LARGE-~~**  
23 **~~SCALE CATASTROPHIC EVENTS.~~**

24 ~~(a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—~~  
25 Notwithstanding any other provision of law, any environ-

1 mental assessment prepared by the Secretary concerned  
 2 pursuant to section 102(2) of the National Environmental  
 3 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-  
 4 ation or reforestation activity proposed to be conducted  
 5 on National Forest System lands or public lands adversely  
 6 impacted by a large-scale catastrophic event shall be com-  
 7 pleted within 3 months after the conclusion of the cata-  
 8 strophic event.

9 (b) EXPEDITED IMPLEMENTATION AND COMPLE-  
 10 TION.—In the case of reforestation activities conducted on  
 11 National Forest System lands or public lands adversely  
 12 impacted by a large-scale catastrophic event, the Secretary  
 13 concerned shall achieve reforestation of at least 75 percent  
 14 of the impacted lands during the 5-year period following  
 15 the conclusion of the catastrophic event.

16 (c) AVAILABILITY OF KNUTSON-VANDENBERG  
 17 FUNDS.—Amounts in the special fund established pursu-  
 18 ant to section 3 of the Act of June 9, 1930 (commonly  
 19 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)  
 20 shall be available to the Secretary of Agriculture for refor-  
 21 estation activities authorized by this title.

22 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—Not-  
 23 withstanding any other provision of law, in the case of a  
 24 salvage operation or reforestation activity proposed to be  
 25 conducted on National Forest System lands or public

1 lands adversely impacted by a large-scale catastrophic  
 2 event, the Secretary concerned shall allow 30 days for pub-  
 3 lic scoping and comment, 15 days for filing an objection,  
 4 and 15 days for the agency response to the filing of an  
 5 objection. Upon completion of this process and expiration  
 6 of the period specified in subsection (a), the Secretary con-  
 7 cerned shall implement the project immediately.

8 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

9       A salvage operation or reforestation activity author-  
 10 ized by this title shall be conducted in a manner consistent  
 11 with the forest plan applicable to the National Forest Sys-  
 12 tem lands or public lands covered by the salvage operation  
 13 or reforestation activity.

14 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**  
 15 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**  
 16 **PENDING APPEAL.**

17       No restraining order, preliminary injunction, or in-  
 18 junction pending appeal shall be issued by any court of  
 19 the United States with respect to any decision to prepare  
 20 or conduct a salvage operation or reforestation activity in  
 21 response to a large-scale catastrophic event. Section 705  
 22 of title 5, United States Code, shall not apply to any chal-  
 23 lenge to the salvage operation or reforestation activity.

1 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

2 In applying this title, the Secretary concerned may  
3 not carry out salvage operations or reforestation activities  
4 on National Forest System lands or public lands—

5 (1) that are included in the National Wilderness  
6 Preservation System;

7 (2) that are located within an inventoried  
8 roadless area unless the reforestation activity is con-  
9 sistent with the forest plan; or

10 (3) on which timber harvesting for any purpose  
11 is prohibited by statute.

12 **TITLE III—COLLABORATIVE**  
13 **PROJECT LITIGATION RE-**  
14 **QUIREMENT**

15 **SEC. 301. DEFINITIONS.**

16 In this title:

17 (1) **COSTS.**—The term “costs” refers to the  
18 fees and costs described in section 1920 of title 28,  
19 United States Code.

20 (2) **EXPENSES.**—The term “expenses” includes  
21 the expenditures incurred by the staff of the Sec-  
22 retary concerned in preparing for and responding to  
23 a legal challenge to a collaborative forest manage-  
24 ment activity and in participating in litigation that  
25 challenges the forest management activity, including  
26 such staff time as may be used to prepare the ad-

1       ministrative record, exhibits, declarations, and affi-  
 2       davits in connection with the litigation.

3       **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**  
 4                   **LENCE OF CERTAIN FOREST MANAGEMENT**  
 5                   **ACTIVITIES.**

6       (a) **BOND REQUIRED.**—In the case of a forest man-  
 7       agement activity developed through a collaborative process  
 8       or proposed by a resource advisory committee, any plain-  
 9       tiff or plaintiffs challenging the forest management activ-  
 10      ity shall be required to post a bond or other security equal  
 11      to the anticipated costs, expenses, and attorneys fees of  
 12      the Secretary concerned as defendant, as reasonably esti-  
 13      mated by the Secretary concerned. All proceedings in the  
 14      action shall be stayed until the required bond or security  
 15      is provided.

16      (b) **RECOVERY OF LITIGATION COSTS, EXPENSES,**  
 17      **AND ATTORNEYS FEES.**—

18           (1) **MOTION FOR PAYMENT.**—If the Secretary  
 19      concerned prevails in an action challenging a forest  
 20      management activity described in subsection (a), the  
 21      Secretary concerned shall submit to the court a mo-  
 22      tion for payment, from the bond or other security  
 23      posted under subsection (a) in such action, of the  
 24      reasonable costs, expenses, and attorneys fees in-  
 25      curred by the Secretary concerned.

1           ~~(2) MAXIMUM AMOUNT RECOVERED.—~~The  
 2           amount of costs, expenses, and attorneys fees recov-  
 3           ered by the Secretary concerned under paragraph  
 4           ~~(1)~~ as a result of prevailing in an action challenging  
 5           the forest management activity may not exceed the  
 6           amount of the bond or other security posted under  
 7           subsection (a) in such action.

8           ~~(3) RETURN OF REMAINDER.—~~Any funds re-  
 9           maining from the bond or other security posted  
 10          under subsection (a) after the payment of costs, ex-  
 11          penses, and attorneys fees under paragraph (1) shall  
 12          be returned to the plaintiff or plaintiffs that posted  
 13          the bond or security in the action.

14          ~~(c) RETURN OF BOND TO PREVAILING PLAINTIFF.—~~

15          ~~(1) IN GENERAL.—~~If the plaintiff ultimately  
 16          prevails on the merits in every action brought by the  
 17          plaintiff challenging a forest management activity  
 18          described in subsection (a), the court shall return to  
 19          the plaintiff any bond or security provided by the  
 20          plaintiff under subsection (a), plus interest from the  
 21          date the bond or security was provided.

22          ~~(2) ULTIMATELY PREVAILS ON THE MERITS.—~~  
 23          In this subsection, the phrase “ultimately prevails on  
 24          the merits” means, in a final enforceable judgment  
 25          on the merits, a court rules in favor of the plaintiff

1 on every cause of action in every action brought by  
2 the plaintiff challenging the forest management ac-  
3 tivity.

4 (d) EFFECT OF SETTLEMENT.—If a challenge to a  
5 forest management activity described in subsection (a) for  
6 which a bond or other security was provided by the plain-  
7 tiff under such subsection is resolved by settlement be-  
8 tween the Secretary concerned and the plaintiff, the settle-  
9 ment agreement shall provide for sharing the costs, ex-  
10 penses, and attorneys fees incurred by the parties.

11 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-  
12 standing section 1304 of title 31, United States Code, no  
13 award may be made under section 2412 of title 28, United  
14 States Code, and no amounts may be obligated or ex-  
15 pended from the Claims and Judgment Fund of the  
16 United States Treasury to pay any fees or other expenses  
17 under such sections to any plaintiff related to an action  
18 challenging a forest management activity described in sub-  
19 section (a).

1 **TITLE IV—SECURE RURAL**  
 2 **SCHOOLS AND COMMUNITY**  
 3 **SELF-DETERMINATION ACT**  
 4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**  
 6 **PROJECTS ON FEDERAL LAND AND CERTAIN**  
 7 **NON-FEDERAL LAND.**

8 (a) **REPEAL OF MERCHANTABLE TIMBER CON-**  
 9 **TRACTING PILOT PROGRAM.**—Section 204(e) of the Se-  
 10 cure Rural Schools and Community Self-Determination  
 11 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking  
 12 paragraph (3).

13 (b) **REQUIREMENTS FOR PROJECT FUNDS.**—Section  
 14 204 of the Secure Rural Schools and Community Self-De-  
 15 termination Act of 2000 (16 U.S.C. 7124) is amended by  
 16 striking subsection (f) and inserting the following new  
 17 subsection:

18 “(f) **REQUIREMENTS FOR PROJECT FUNDS.**—

19 “(1) **IN GENERAL.**—Subject to paragraph (2),  
 20 the Secretary concerned shall ensure that at least 50  
 21 percent of the project funds reserved by a partici-  
 22 pating county under section 102(d) shall be available  
 23 only for projects that—



1           “(A) include the sale of timber or other  
2           forest products, reduce fire risks, or improve  
3           water supplies; and

4           “(B) implement stewardship objectives  
5           that enhance forest ecosystems or restore and  
6           improve land health and water quality.

7           “(2) **APPLICABILITY.**—The requirement in  
8           paragraph (1) shall apply only to project funds re-  
9           served by a participating county whose boundaries  
10          include Federal land that the Secretary concerned  
11          determines has been subject to a timber or other for-  
12          est products program within 5 fiscal years before the  
13          fiscal year in which the funds are reserved.”.

14 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

15          (a) **RECOGNITION OF RESOURCE ADVISORY COMMIT-**  
16 **TEES.**—Section 205(a)(4) of the Secure Rural Schools  
17 and Community Self-Determination Act of 2000 (16  
18 U.S.C. 7125(a)(4)) is amended by striking “2012” each  
19 place it appears and inserting “2020”.

20          (b) **TEMPORARY REDUCTION IN COMPOSITION OF**  
21 **COMMITTEES.**—Section 205(d) of the Secure Rural  
22 Schools and Community Self-Determination Act of 2000  
23 (16 U.S.C. 7125(d)) is amended—

1           (1) in paragraph (1), by striking “Each” and  
 2           inserting “Except during the period specified in  
 3           paragraph (6), each”; and

4           (2) by adding at the end the following new  
 5           paragraph:

6           “~~(6)~~ TEMPORARY REDUCTION IN MINIMUM  
 7           NUMBER OF MEMBERS.—

8                   “(A) TEMPORARY REDUCTION.—During  
 9           the period beginning on the date of the enact-  
 10          ment of this paragraph and ending on Sep-  
 11          tember 30, 2020, a resource advisory committee  
 12          established under this section may be comprised  
 13          of nine or more members, of which—

14                           “(i) at least three shall be representa-  
 15                           tive of interests described in subparagraph  
 16                           (A) of paragraph (2);

17                           “(ii) at least three shall be representa-  
 18                           tive of interests described in subparagraph  
 19                           (B) of paragraph (2); and

20                           “(iii) at least three shall be represent-  
 21                           ative of interests described in subpara-  
 22                           graph (C) of paragraph (2).

23           “(B) ADDITIONAL REQUIREMENTS.—In  
 24           appointing members of a resource advisory com-  
 25           mittee from the three categories described in

1 paragraph (2), as provided in subparagraph  
2 (A), the Secretary concerned shall ensure bal-  
3 anced and broad representation in each cat-  
4 egory. In the case of a vacancy on a resource  
5 advisory committee, the vacancy shall be filled  
6 within 90 days after the date on which the va-  
7 cancy occurred. Appointments to a new re-  
8 source advisory committee shall be made within  
9 90 days after the date on which the decision to  
10 form the new resource advisory committee was  
11 made.

12 “(C) CHARTER.—A charter for a resource  
13 advisory committee with 15 members that was  
14 filed on or before the date of the enactment of  
15 this paragraph shall be considered to be filed  
16 for a resource advisory committee described in  
17 this paragraph. The charter of a resource advi-  
18 sory committee shall be reapproved before the  
19 expiration of the existing charter of the re-  
20 source advisory committee. In the case of a new  
21 resource advisory committee, the charter of the  
22 resource advisory committee shall be approved  
23 within 90 days after the date on which the deci-  
24 sion to form the new resource advisory com-  
25 mittee was made.”

1       (e) CONFORMING CHANGE TO PROJECT APPROVAL  
 2 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural  
 3 Schools and Community Self-Determination Act of 2000  
 4 (16 U.S.C. 7125(e)(3)) is amended by adding at the end  
 5 the following new sentence: “In the case of a resource ad-  
 6 visory committee consisting of fewer than 15 members, as  
 7 authorized by subsection (d)(6), a project may be proposed  
 8 to the Secretary concerned upon approval by a majority  
 9 of the members of the committee, including at least one  
 10 member from each of the three categories described in  
 11 subsection (d)(2).”.

12       (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-  
 13 TEES.—Section 205(d) of the Secure Rural Schools and  
 14 Community Self-Determination Act of 2000 (16 U.S.C.  
 15 7125(d)) is amended—

16           (1) in paragraph (3), by inserting before the pe-  
 17 riod at the end the following: “, consistent with the  
 18 requirements of paragraph (4)”; and

19           (2) by striking paragraph (4) and inserting the  
 20 following new paragraph:

21           “(4) GEOGRAPHIC DISTRIBUTION.—The mem-  
 22 bers of a resource advisory committee shall reside  
 23 within the county or counties in which the committee  
 24 has jurisdiction or an adjacent county.”.

1 **SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-**  
 2 **SOURCE ADVISORY COMMITTEE PROJECTS.**

3 (a) SELF-SUSTAINING RESOURCE ADVISORY COM-  
 4 MITTEE PROJECTS.—Title II of the Secure Rural Schools  
 5 and Community Self-Determination Act of 2000 (16  
 6 U.S.C. 7121 et seq.) is amended by adding at the end  
 7 the following new section:

8 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**  
 9 **VISORY COMMITTEE PROJECTS.**

10 “(a) RAC PROGRAM.—The Chief of the Forest Serv-  
 11 ice shall conduct a program (to be known as the ‘self-sus-  
 12 taining resource advisory committee program’ or ‘RAC  
 13 program’) under which 10 resource advisory committees  
 14 will propose projects authorized by subsection (c) to be  
 15 carried out using project funds reserved by a participating  
 16 county under section 102(d).

17 “(b) SELECTION OF PARTICIPATING RESOURCE AD-  
 18 VISORY COMMITTEES.—The selection of resource advisory  
 19 committees to participate in the RAC program is in the  
 20 sole discretion of the Chief of the Forest Service, except  
 21 that, consistent with section 205(d)(6), a selected resource  
 22 advisory committee must have a minimum of six members.

23 “(c) AUTHORIZED PROJECTS.—Notwithstanding the  
 24 project purposes specified in sections 202(b), 203(c), and  
 25 204(a)(5), projects under the RAC program are intended  
 26 to—

1           “(1) accomplish forest management objectives  
2           or support community development; and

3           ~~“(2) generate receipts.~~

4           ~~“(d) DEPOSIT AND AVAILABILITY OF REVENUES.—~~

5           ~~Any revenue generated by a project conducted under the~~  
6           ~~RAC program, including any interest accrued from the~~  
7           ~~revenues, shall be—~~

8           ~~“(1) deposited in the special account in the~~  
9           ~~Treasury established under section 102(d)(2)(A);~~  
10          ~~and~~

11          ~~“(2) available, in such amounts as may be pro-~~  
12          ~~vided in advance in appropriation Acts, for addi-~~  
13          ~~tional projects under the RAC program.~~

14          ~~“(e) TERMINATION OF AUTHORITY.—~~

15          ~~“(1) IN GENERAL.—The authority to initiate a~~  
16          ~~project under the RAC program shall terminate on~~  
17          ~~September 30, 2020.~~

18          ~~“(2) DEPOSITS IN TREASURY.—Any funds~~  
19          ~~available for projects under the RAC program and~~  
20          ~~not obligated by September 30, 2021, shall be depos-~~  
21          ~~ited in the Treasury of the United States.”.~~

22          ~~(b) EXCEPTION TO GENERAL RULE REGARDING~~  
23          ~~TREATMENT OF RECEIPTS.—Section 403(b) of the Secure~~  
24          ~~Rural Schools and Community Self-Determination Act of~~  
25          ~~2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-~~

1 enues” and inserting “Except as provided in section 209,  
2 all revenues”.

3 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**  
4 **FUNDS FOR TITLE III COUNTY PROJECTS.**

5 Section 302(a) of the Secure Rural Schools and Com-  
6 munity Self-Determination Act of 2000 (16 U.S.C.  
7 7142(a)) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting “and law enforcement pa-  
10 trols” after “including firefighting”; and

11 (B) by striking “and” at the end;

12 (2) by redesignating paragraph (3) as para-  
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-  
15 lowing new paragraph (3):

16 “(3) to cover training costs and equipment pur-  
17 chases directly related to the emergency services de-  
18 scribed in paragraph (2); and”.

19 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

20 Section 102 of the Secure Rural Schools and Commu-  
21 nity Self-Determination Act of 2000 (16 U.S.C. 7112) is  
22 amended by adding at the end the following new sub-  
23 section:

24 “(f) **TREATMENT AS SUPPLEMENTAL FUNDING.—**

25 None of the funds made available to a beneficiary county

1 or other political subdivision of a State under this Act  
 2 shall be used in lieu of or to otherwise offset State funding  
 3 sources for local schools, facilities, or educational pur-  
 4 poses.”.

## 5 **TITLE V—STEWARDSHIP END** 6 **RESULT CONTRACTING**

### 7 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP** 8 **END RESULT CONTRACTING PROJECTS.**

9 (a) CANCELLATION CEILINGS.—Section 604 of the  
 10 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
 11 6591e) is amended—

12 (1) by redesignating subsections (h) and (i) as  
 13 subsections (i) and (j), respectively; and

14 (2) by inserting after subsection (g) the fol-  
 15 lowing new subsection (h):

16 “(h) CANCELLATION CEILINGS.—

17 “(1) IN GENERAL.—The Chief and the Director  
 18 may obligate funds to cover any potential cancella-  
 19 tion or termination costs for an agreement or con-  
 20 tract under subsection (b) in stages that are eco-  
 21 nomically or programmatically viable.

22 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-  
 23 CELLATION CEILING IN EXCESS OF \$25 MILLION.—

24 Not later than 30 days before entering into a  
 25 multiyear agreement or contract under subsection



1 (b) that includes a cancellation ceiling in excess of  
2 \$25 million; but does not include proposed funding  
3 for the costs of cancelling the agreement or contract  
4 up to such cancellation ceiling; the Chief or the Di-  
5 rector, as the case may be, shall submit to the Com-  
6 mittee on Energy and Natural Resources and the  
7 Committee on Agriculture, Nutrition, and Forestry  
8 of the Senate and the Committee on Natural Re-  
9 sources and the Committee on Agriculture of the  
10 House of Representatives a written notice that in-  
11 cludes—

12 “(A) the cancellation ceiling amounts pro-  
13 posed for each program year in the agreement  
14 or contract;

15 “(B) the reasons why such cancellation  
16 ceiling amounts were selected;

17 “(C) the extent to which the costs of con-  
18 tract cancellation are not included in the budget  
19 for the agreement or contract; and

20 “(D) an assessment of the financial risk of  
21 not including budgeting for the costs of agree-  
22 ment or contract cancellation.

23 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not  
24 later than 14 days after the date on which written  
25 notice is provided under paragraph (2) with respect

1 to an agreement or contract under subsection (b);  
 2 the Chief or the Director, as the case may be, shall  
 3 transmit a copy of the notice to the Director of the  
 4 Office of Management and Budget.”.

5 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)  
 6 of the Healthy Forests Restoration Act of 2003 (16  
 7 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief  
 8 may” and inserting “and section 2(a)(1) of the Act of July  
 9 31, 1947 (commonly known as the Materials Act of 1947;  
 10 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

11 **SEC. 502. EXCESS OFFSET VALUE.**

12 Section 604(g)(2) of the Healthy Forests Restoration  
 13 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-  
 14 ing subparagraphs (A) and (B) and inserting the following  
 15 new subparagraphs:

16 “(A) use the excess to satisfy any out-  
 17 standing liabilities for cancelled agreements or  
 18 contracts; or

19 “(B) if there are no outstanding liabilities  
 20 under subparagraph (A), apply the excess to  
 21 other authorized stewardship projects.”.

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**  
 2 **PROJECT REVENUES TO COUNTY IN WHICH**  
 3 **STEWARDSHIP PROJECT OCCURS.**

4 Section 604(e) of the Healthy Forests Restoration  
 5 Act of 2003 (16 U.S.C. 6591e(e)) is amended—

6 (1) in paragraph (2)(B), by inserting “subject  
 7 to paragraph (3)(A),” before “shall”; and

8 (2) in paragraph (3)(A), by striking “services  
 9 received by the Chief or the Director” and all that  
 10 follows through the period at the end and inserting  
 11 the following: “services and in-kind resources re-  
 12 ceived by the Chief or the Director under a steward-  
 13 ship contract project conducted under this section  
 14 shall not be considered monies received from the Na-  
 15 tional Forest System or the public lands, but any  
 16 payments made by the contractor to the Chief or Di-  
 17 rector under the project shall be considered monies  
 18 received from the National Forest System or the  
 19 public lands.”.

20 **SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.**

21 Subsection (j) of section 604 of the Healthy Forests  
 22 Restoration Act of 2003 (16 U.S.C. 6591e), as redesign-  
 23 nated by section 501(a)(1), is amended by striking “report  
 24 to the Committee on Agriculture, Nutrition, and Forestry  
 25 of the Senate and the Committee on Agriculture of the  
 26 House of Representatives” and inserting “submit to the

1 congressional committees specified in subsection (h)(2) a  
 2 report”.

3 **SEC. 505. FIRE LIABILITY PROVISION.**

4 Section 604(d) of the Healthy Forests Restoration  
 5 Act of 2003 (16 U.S.C. 6591e(d)) is amended by adding  
 6 at the end the following new paragraph:

7 “(8) **MODIFICATION.**—Upon the request of the  
 8 contractor, a contract or agreement under this sec-  
 9 tion awarded before February 7, 2014, shall be  
 10 modified by the Chief or Director to include the fire  
 11 liability provisions described in paragraph (7).”.

12 **TITLE VI—ADDITIONAL FUND-**  
 13 **ING SOURCES FOR FOREST**  
 14 **MANAGEMENT ACTIVITIES**

15 **SEC. 601. DEFINITIONS.**

16 In this title:

17 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
 18 ty” means—

19 (A) a State or political subdivision of a  
 20 State containing National Forest System lands  
 21 or public lands;

22 (B) a publicly chartered utility serving one  
 23 or more States or a political subdivision thereof;

24 (C) a rural electric company; and

1           (D) any other entity determined by the  
 2           Secretary concerned to be appropriate for par-  
 3           ticipation in the Fund.

4           (2) FUND.—The term “Fund” means the  
 5           State-Supported Forest Management Fund estab-  
 6           lished by section 603.

7   **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**  
 8           **NUES AND COLLABORATIVE FOREST LAND-**  
 9           **SCAPE RESTORATION FUND TO COVER FOR-**  
 10          **EST MANAGEMENT ACTIVITY PLANNING**  
 11          **COSTS.**

12          (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-  
 13   NUES.—Section 604(e)(2)(B) of the Healthy Forests Res-  
 14   toration Act of 2003 (16 U.S.C. 6591e(e)(2)(B)), as  
 15   amended by section 503, is further amended by striking  
 16   “appropriation at the project site from which the monies  
 17   are collected or at another project site.” and inserting the  
 18   following: “appropriation—

19                   “(i) at the project site from which the  
 20                   monies are collected or at another project  
 21                   site; and

22                   “(ii) to cover not more than 25 per-  
 23                   cent of the cost of planning additional  
 24                   stewardship contracting projects.”.

1       (b) AVAILABILITY OF COLLABORATIVE FOREST  
 2 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of  
 3 the Omnibus Public Land Management Act of 2009 (16  
 4 U.S.C. 7303(f)(1)) is amended by striking “carrying out  
 5 and” and inserting “planning, carrying out, and”.

6 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**  
 7 **AGEMENT ACTIVITIES.**

8       (a) STATE-SUPPORTED FOREST MANAGEMENT  
 9 FUND.—There is established in the Treasury of the  
 10 United States a fund, to be known as the “State-Sup-  
 11 ported Forest Management Fund”, to cover the cost of  
 12 planning (especially related to compliance with section  
 13 102(2) of the National Environmental Policy Act of 1969  
 14 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-  
 15 tain forest management activities on National Forest Sys-  
 16 tem lands or public lands.

17       (b) CONTENTS.—The State-Supported Forest Man-  
 18 agement Fund shall consist of such amounts as may be—

19               (1) contributed by an eligible entity for deposit  
 20       in the Fund;

21               (2) appropriated to the Fund; or

22               (3) generated by forest management activities  
 23       carried out using amounts in the Fund.

1       (c) GEOGRAPHICAL AND USE LIMITATIONS.—In  
 2 making a contribution under subsection (b)(1), an eligible  
 3 entity may—

4           (1) specify the National Forest System lands or  
 5 public lands for which the contribution may be ex-  
 6 pended; and

7           (2) limit the types of forest management activi-  
 8 ties for which the contribution may be expended.

9       (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-  
 10 TIES.—In such amounts as may be provided in advance  
 11 in appropriation Acts, the Secretary concerned may use  
 12 the Fund to plan, carry out, and monitor a forest manage-  
 13 ment activity that—

14           (1) is developed through a collaborative process;

15           (2) is proposed by a resource advisory com-  
 16 mittee; or

17           (3) is covered by a community wildfire protec-  
 18 tion plan.

19       (e) IMPLEMENTATION METHODS.—A forest manage-  
 20 ment activity carried out using amounts in the Fund may  
 21 be carried out using a contract or agreement under section  
 22 604 of the Healthy Forests Restoration Act of 2003 (16  
 23 U.S.C. 6591e), the good neighbor authority provided by  
 24 section 8206 of the Agricultural Act of 2014 (16 U.S.C.  
 25 2113a), a contract under section 14 of the National Forest

1 Management Act of 1976 (16 U.S.C. 472a), or other au-  
 2 thority available to the Secretary concerned, but revenues  
 3 generated by the forest management activity shall be used  
 4 to reimburse the Fund for planning costs covered using  
 5 amounts in the Fund.

6 (f) ~~RELATION TO OTHER LAWS.~~—

7 (1) ~~REVENUE SHARING.~~—Subject to subsection  
 8 (e), revenues generated by a forest management ac-  
 9 tivity carried out using amounts from the Fund shall  
 10 be considered monies received from the National  
 11 Forest System.

12 (2) ~~KNUTSON-VANDERBERG ACT.~~—The Act of  
 13 June 9, 1930 (commonly known as the Knutson-  
 14 Vanderberg Act, 16 U.S.C. 576 et seq.), shall apply  
 15 to any forest management activity carried out using  
 16 amounts in the Fund.

17 (g) ~~TERMINATION OF FUND.~~—

18 (1) ~~TERMINATION.~~—The Fund shall terminate  
 19 10 years after the date of the enactment of this Act.

20 (2) ~~EFFECT OF TERMINATION.~~—Upon the ter-  
 21 mination of the Fund pursuant to paragraph (1) or  
 22 pursuant to any other provision of law, unobligated  
 23 contributions remaining in the Fund shall be re-  
 24 turned to the eligible entity that made the contribu-  
 25 tion.



1 **TITLE VII—TRIBAL FORESTRY**  
 2 **PARTICIPATION AND PRO-**  
 3 **TECTION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**  
 5 **THROUGH USE OF STEWARDSHIP AND RE-**  
 6 **SULT CONTRACTING AND OTHER AUTHORI-**  
 7 **TIES.**

8 (a) PROMPT CONSIDERATION OF TRIBAL RE-  
 9 QUESTS.—Section 2(b) of the Tribal Forest Protection  
 10 Act of 2004 (25 U.S.C. 3115a(b)) is amended—

11 (1) in paragraph (1), by striking “Not later  
 12 than 120 days after the date on which an Indian  
 13 tribe submits to the Secretary” and inserting “In re-  
 14 sponse to the submission by an Indian tribe of”; and

15 (2) by adding at the end the following new  
 16 paragraph:

17 “(4) TIME PERIODS FOR CONSIDERATION.—

18 “(A) INITIAL RESPONSE.—Not later than  
 19 120 days after the date on which the Secretary  
 20 receives a tribal request under paragraph (1),  
 21 the Secretary shall provide an initial response  
 22 to the Indian tribe regarding—

23 “(i) whether the request may meet the  
 24 selection criteria described in subsection  
 25 (c); and

1           “(ii) the likelihood of the Secretary  
2           entering into an agreement or contract  
3           with the Indian tribe under paragraph (2)  
4           for activities described in paragraph (3).

5           “(B) NOTICE OF DENIAL.—Notice under  
6           subsection (d) of the denial of a tribal request  
7           under paragraph (1) shall be provided not later  
8           than 1 year after the date on which the Sec-  
9           retary received the request.

10          “(C) COMPLETION.—Not later than 2  
11          years after the date on which the Secretary re-  
12          ceives a tribal request under paragraph (1),  
13          other than a tribal request denied under sub-  
14          section (d), the Secretary shall—

15               “(i) complete all environmental re-  
16               views necessary in connection with the  
17               agreement or contract and proposed activi-  
18               ties under the agreement or contract; and

19               “(ii) enter into the agreement or con-  
20               tract with the Indian tribe under para-  
21               graph (2).”.

22          (b) CONFORMING AND TECHNICAL AMENDMENTS.—  
23          Section 2 of the Tribal Forest Protection Act of 2004 (25  
24          U.S.C. 3115a) is amended—

(1) in subsections (b)(1) and (f)(1), by striking “section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275))” and inserting “section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591e)”; and

(2) in subsection (d), by striking “subsection (b)(1), the Secretary may” and inserting “paragraphs (1) and (4)(B) of subsection (b), the Secretary shall”.

**SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHORIZED TO INCLUDE RELATED NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.**

Section 305 of the National Indian Forest Resources Management Act (25 U.S.C. 3104) is amended by adding at the end the following new subsection:

“(e) INCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LAND AND PUBLIC LAND.—

“(1) AUTHORITY.—At the request of an Indian tribe, the Secretary concerned may treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management

1 activities under this section if the Federal forest  
2 land is located within, or mostly within, a geographic  
3 area that presents a feature or involves cir-  
4 cumstances principally relevant to that Indian tribe,  
5 such as Federal forest land ceded to the United  
6 States by treaty, Federal forest land within the  
7 boundaries of a current or former reservation, or  
8 Federal forest land adjudicated to be tribal home-  
9 lands.

10 “(2) REQUIREMENTS.—As part of the agree-  
11 ment to treat Federal forest land as Indian forest  
12 land under paragraph (1), the Secretary concerned  
13 and the Indian tribe making the request shall—

14 “(A) provide for continued public access  
15 applicable to the Federal forest land prior to  
16 the agreement, except that the Secretary con-  
17 cerned may limit or prohibit such access as  
18 needed;

19 “(B) continue sharing revenue generated  
20 by the Federal forest land with State and local  
21 governments either—

22 “(i) on the terms applicable to the  
23 Federal forest land prior to the agreement,  
24 including, where applicable, 25-percent  
25 payments or 50-percent payments; or

1                   “(ii) at the option of the Indian tribe;  
2                   on terms agreed upon by the Indian tribe;  
3                   the Secretary concerned, and State and  
4                   county governments participating in a rev-  
5                   enue sharing agreement for the Federal  
6                   forest land;

7                   “(C) comply with applicable prohibitions  
8                   on the export of unprocessed logs harvested  
9                   from the Federal forest land;

10                  “(D) recognize all right-of-way agreements  
11                  in place on Federal forest land prior to com-  
12                  mencement of tribal management activities; and

13                  “(E) ensure that all commercial timber re-  
14                  moved from the Federal forest land is sold on  
15                  a competitive bid basis.

16                  “(3) LIMITATION.—Treating Federal forest  
17                  land as Indian forest land for purposes of planning  
18                  and conducting management activities pursuant to  
19                  paragraph (1) shall not be construed to designate  
20                  the Federal forest land as Indian forest lands for  
21                  any other purpose.

22                  “(4) DEFINITIONS.—In this subsection:

23                         “(A) FEDERAL FOREST LAND.—The term  
24                         ‘Federal forest land’ means—

1 “(i) National Forest System lands;  
2 and

3 “(ii) public lands (as defined in sec-  
4 tion 103(e) of the Federal Land Policy and  
5 Management Act of 1976 (43 U.S.C.  
6 1702(e))), including Coos Bay Wagon  
7 Road Grant lands reconveyed to the  
8 United States pursuant to the first section  
9 of the Act of February 26, 1919 (40 Stat.  
10 1179), and Oregon and California Railroad  
11 Grant lands.

12 “(B) SECRETARY CONCERNED.—The term  
13 ‘Secretary concerned’ means—

14 “(i) the Secretary of Agriculture, with  
15 respect to the Federal forest land referred  
16 to in subparagraph (A)(i); and

17 “(ii) the Secretary of the Interior,  
18 with respect to the Federal forest land re-  
19 ferred to in subparagraph (A)(ii).”

20 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**  
21 **PROJECT.**

22 The Secretary of the Interior and the Secretary of  
23 Agriculture may carry out demonstration projects by  
24 which federally recognized Indian tribes or tribal organiza-  
25 tions may contract to perform administrative, manage-

1 ment, and other functions of programs of the Tribal For-  
 2 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)  
 3 through contracts entered into under the Indian Self-De-  
 4 termination and Education Assistance Act (25 U.S.C. 450  
 5 et seq.).

6 **TITLE VIII—MISCELLANEOUS**  
 7 **FOREST MANAGEMENT PRO-**  
 8 **VISIONS**

9 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS**  
 10 **OF FOREST MANAGEMENT ACTIVITIES IN**  
 11 **CONSIDERING INJUNCTIVE RELIEF.**

12 As part of its weighing the equities while considering  
 13 any request for an injunction that applies to any agency  
 14 action as part of a forest management activity under titles  
 15 I through VIII, the court reviewing the agency action shall  
 16 balance the impact to the ecosystem likely affected by the  
 17 forest management activity of—

18 (1) the short- and long-term effects of under-  
 19 taking the agency action; against

20 (2) the short- and long-term effects of not un-  
 21 dertaking the action.

22 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**  
 23 **MISSIONING.**

24 (a) CONSULTATION WITH AFFECTED COUNTY.—

25 Whenever any Forest Service defined maintenance level

1 one- or two-system road within a designated high fire  
 2 prone area of a unit of the National Forest System is con-  
 3 sidered for decommissioning, the Forest Supervisor of that  
 4 unit of the National Forest System shall—

- 5 (1) consult with the government of the county  
 6 containing the road regarding the merits and pos-  
 7 sible consequences of decommissioning the road; and
- 8 (2) solicit possible alternatives to decommis-  
 9 sioning the road.

10 (b) REGIONAL FORESTER APPROVAL.—A Forest  
 11 Service road described in subsection (a) may not be de-  
 12 commissioned without the advance approval of the Re-  
 13 gional Forester.

14 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**  
 15 **SCREENS REQUIREMENTS ON NATIONAL**  
 16 **FOREST SYSTEM LANDS.**

17 On and after the date of the enactment of this Act,  
 18 the Secretary of Agriculture may not apply to National  
 19 Forest System lands any of the amendments to forest  
 20 plans adopted in the Decision Notice for the Revised Con-  
 21 tinuation of Interim Management Direction Establishing  
 22 Riparian, Ecosystem and Wildlife Standards for Timber  
 23 Sales (commonly known as the Eastside Screens require-  
 24 ments), including all preceding or associated versions of  
 25 these amendments.



1 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**  
 2 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**  
 3 **TIES.**

4 If the Secretary concerned determines that, in order  
 5 to conduct a project or carry out an activity implementing  
 6 a forest plan, an amendment to the forest plan is required,  
 7 the Secretary concerned shall execute such amendment as  
 8 a nonsignificant plan amendment through the record of  
 9 decision or decision notice for the project or activity.

10 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

11 (a) **DEPOSITS OF FUNDS FROM NATIONAL FOREST**  
 12 **TIMBER PURCHASERS REQUIRED.**—Section 3(a) of the  
 13 Act of June 9, 1930 (commonly known as the Knutson-  
 14 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-  
 15 ing “The Secretary” and all that follows through “any  
 16 purchaser” and inserting the following: “The Secretary of  
 17 Agriculture shall require each purchaser”.

18 (b) **CONDITIONS ON USE OF DEPOSITS.**—Section 3  
 19 of the Act of June 9, 1930 (commonly known as the  
 20 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

21 (1) by striking “Such deposits” and inserting  
 22 the following:

23 “(b) Amounts deposited under subsection (a)”;

24 (2) by redesignating subsection (c) as sub-  
 25 section (d); and

1           ~~(3)~~ by inserting before subsection (d), as so re-  
 2           designated, the following new subsection (e):

3           ~~“(e)(1) Amounts in the special fund established pur-~~  
 4           ~~suant to this section—~~

5           ~~“(A) shall be used exclusively to implement ac-~~  
 6           ~~tivities authorized by subsection (a); and~~

7           ~~“(B) may be used anywhere within the Forest~~  
 8           ~~Service Region from which the original deposits were~~  
 9           ~~collected.~~

10          ~~“(2) The Secretary of Agriculture may not deduct~~  
 11          ~~overhead costs from the funds collected under subsection~~  
 12          ~~(a), except as needed to fund personnel of the responsible~~  
 13          ~~Ranger District for the planning and implementation of~~  
 14          ~~the activities authorized by subsection (a).”.~~

15       **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**  
 16                               **TEM LANDS AND PUBLIC LANDS.**

17          Unless specifically provided by a provision of titles  
 18          I through VIII, the authorities provided by such titles do  
 19          not apply with respect to any National Forest System  
 20          lands or public lands—

21               (1) that are included in the National Wilderness  
 22          Preservation System;

23               (2) that are located within an inventoried  
 24          roadless area unless the forest management activity

1 to be carried out under such authority is consistent  
 2 with the forest plan applicable to the area; or  
 3 ~~(3) on which timber harvesting for any purpose~~  
 4 is prohibited by statute.

5 **SEC. 807. APPLICATION OF NORTHWEST FOREST PLAN SUR-**  
 6 **VEY AND MANAGE MITIGATION MEASURE**  
 7 **STANDARD AND GUIDELINES.**

8 The Northwest Forest Plan Survey and Manage Miti-  
 9 gation Measure Standard and Guidelines shall not apply  
 10 to any National Forest System lands or public lands.

11 **SEC. 808. MANAGEMENT OF BUREAU OF LAND MANAGE-**  
 12 **MENT LANDS IN WESTERN OREGON.**

13 (a) GENERAL RULE.—All of the public land managed  
 14 by the Bureau of Land Management in the Salem District,  
 15 Eugene District, Roseburg District, Coos Bay District,  
 16 Medford District, and the Klamath Resource Area of the  
 17 Lakeview District in the State of Oregon shall hereafter  
 18 be managed pursuant to title I of the of the Act of August  
 19 28, 1937 (43 U.S.C. 1181a through 1181e). Except as  
 20 provided in subsection (b), all of the revenue produced  
 21 from such land shall be deposited in the Treasury of the  
 22 United States in the Oregon and California land-grant  
 23 fund and be subject to the provisions of title II of the  
 24 Act of August 28, 1937 (43 U.S.C. 1181f).

1       (b) CERTAIN LANDS EXCLUDED.—Subsection (a)  
 2 does not apply to any revenue that is required to be depos-  
 3 ited in the Coos Bay Wagon Road grant fund pursuant  
 4 to sections 1 through 4 of the Act of May 24, 1939 (43  
 5 U.S.C. 1181f-1 through f-4).

6 **SEC. 809. BUREAU OF LAND MANAGEMENT RESOURCE**  
 7 **MANAGEMENT PLANS.**

8       (a) ADDITIONAL ANALYSIS AND ALTERNATIVES.—To  
 9 develop a full range of reasonable alternatives as required  
 10 by the National Environmental Policy Act of 1969, the  
 11 Secretary of the Interior shall develop and consider in de-  
 12 tail a reference analysis and two additional alternatives  
 13 as part of the revisions of the resource management plans  
 14 for the Bureau of Land Management's Salem, Eugene,  
 15 Coos Bay, Roseburg, and Medford Districts and the Klam-  
 16 ath Resource Area of the Lakeview District.

17       (b) REFERENCE ANALYSIS.—The reference analysis  
 18 required by subsection (a) shall measure and assume the  
 19 harvest of the annual growth net of natural mortality for  
 20 all forested land in the planning area in order to determine  
 21 the maximum sustained yield capacity of the forested land  
 22 base and to establish a baseline by which the Secretary  
 23 of the Interior shall measure incremental effects on the  
 24 sustained yield capacity and environmental impacts from  
 25 management prescriptions in all other alternatives.

1       (c) ~~ADDITIONAL ALTERNATIVES.—~~

2               (1) ~~CARBON SEQUESTRATION ALTERNATIVE.—~~

3       The Secretary of the Interior shall develop and con-  
4       sider an additional alternative with the goal of maxi-  
5       mizing the total carbon benefits from forest storage  
6       and wood product storage. To the extent practicable,  
7       the analysis shall consider—

8               (A) the future risks to forest carbon from  
9       wildfires, insects, and disease;

10              (B) the amount of carbon stored in prod-  
11       ucts or in landfills;

12              (C) the life cycle benefits of harvested  
13       wood products compared to non-renewable  
14       products; and

15              (D) the energy produced from wood resi-  
16       dues.

17              (2) ~~SUSTAINED YIELD ALTERNATIVE.—~~The

18       Secretary of the Interior shall develop and consider  
19       an additional alternative that produces the greater  
20       of 500 million board feet or the annual net growth  
21       on the acres classified as timberland, excluding any  
22       congressionally reserved areas. The projected harvest  
23       levels, as nearly as practicable, shall be distributed  
24       among the Districts referred to in subsection (a) in  
25       the same proportion as the maximum yield capacity

1 of each such District bears to maximum yield capac-  
 2 ity of the planning area as a whole.

3 (d) ~~ADDITIONAL ANALYSIS AND PUBLIC PARTICIPA-~~  
 4 ~~TION.~~—The Secretary of the Interior shall publish the ref-  
 5 erence analysis and additional alternatives and analyze  
 6 their environmental and economic consequences in a sup-  
 7 plemental draft environmental impact statement. The  
 8 draft environmental impact statement and supplemental  
 9 draft environmental impact statement shall be made avail-  
 10 able for public comment for a period of not less than 180  
 11 days. The Secretary shall respond to any comments re-  
 12 ceived before making a final decision between all alter-  
 13 natives.

14 (e) ~~RULE OF CONSTRUCTION.~~—Nothing in this sec-  
 15 tion shall affect the obligation of the Secretary of the Inte-  
 16 rior to manage the timberlands as required by the Act of  
 17 August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a–1181j).

18 **SEC. 810. LANDSCAPE-SCALE FOREST RESTORATION**  
 19 **PROJECT.**

20 The Secretary of Agriculture shall develop and imple-  
 21 ment at least one landscape-scale forest restoration project  
 22 that includes, as a defined purpose of the project, the gen-  
 23 eration of material that will be used to promote advanced  
 24 wood products. The project shall be developed through a  
 25 collaborative process.

1 **TITLE IX—MAJOR DISASTER FOR**  
 2 **WILDFIRE ON FEDERAL LAND**

3 **SEC. 901. WILDFIRE ON FEDERAL LANDS.**

4 Section 102(2) of the Robert T. Stafford Disaster  
 5 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))  
 6 is amended—

7 (1) by striking “(2)” and all that follows  
 8 through “means” and inserting the following:

9 “(2) MAJOR DISASTER.—

10 “(A) MAJOR DISASTER.—The term ‘major  
 11 disaster’ means”; and

12 (2) by adding at the end the following:

13 “(B) MAJOR DISASTER FOR WILDFIRE ON  
 14 FEDERAL LANDS.—The term ‘major disaster  
 15 for wildfire on Federal lands’ means any wild-  
 16 fire or wildfires, which in the determination of  
 17 the President under section 802 warrants as-  
 18 sistance under section 803 to supplement the  
 19 efforts and resources of the Department of the  
 20 Interior or the Department of Agriculture—

21 “(i) on Federal lands; or

22 “(ii) on non-Federal lands pursuant  
 23 to a fire protection agreement or coopera-  
 24 tive agreement.”.

1 **SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILD-**  
 2 **FIRE ON FEDERAL LANDS.**

3 The Robert T. Stafford Disaster Relief and Emer-  
 4 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended  
 5 by adding at the end the following:

6 **“TITLE VII—MAJOR DISASTER**  
 7 **FOR WILDFIRE ON FEDERAL**  
 8 **LAND**

9 **“SEC. 801. DEFINITIONS.**

10 “As used in this title—

11 “(1) ~~FEDERAL LAND.~~—The term ‘Federal land’  
 12 means—

13 “(A) any land under the jurisdiction of the  
 14 Department of the Interior; and

15 “(B) any land under the jurisdiction of the  
 16 United States Forest Service.

17 “(2) ~~FEDERAL LAND MANAGEMENT AGEN-~~  
 18 ~~CIES.~~—The term ‘Federal land management agen-  
 19 ~~cies’~~ means—

20 “(A) the Bureau of Land Management;

21 “(B) the National Park Service;

22 “(C) the Bureau of Indian Affairs;

23 “(D) the United States Fish and Wildlife  
 24 Service; and

25 “(E) the United States Forest Service.



1           “(3) WILDFIRE SUPPRESSION OPERATIONS.—

2           The term ‘wildfire suppression operations’ means the  
 3           emergency and unpredictable aspects of wildland  
 4           firefighting, including support, response, emergency  
 5           stabilization activities, and other emergency manage-  
 6           ment activities of wildland firefighting on Federal  
 7           lands (or on non-Federal lands pursuant to a fire  
 8           protection agreement or cooperative agreement) by  
 9           the Federal land management agencies covered by  
 10          the wildfire suppression subactivity of the Wildland  
 11          Fire Management account or the FLAME Wildfire  
 12          Suppression Reserve Fund account of the Federal  
 13          land management agencies.

14   **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**  
 15                   **DISASTER FOR WILDFIRE ON FEDERAL**  
 16                   **LANDS.**

17          “(a) IN GENERAL.—The Secretary of the Interior or  
 18          the Secretary of Agriculture may submit a request to the  
 19          President consistent with the requirements of this title for  
 20          a declaration by the President that a major disaster for  
 21          wildfire on Federal lands exists.

22          “(b) REQUIREMENTS.—A request for a declaration  
 23          by the President that a major disaster for wildfire on Fed-  
 24          eral lands exists shall—

1           “(1) be made in writing by the respective Sec-  
2       retary;

3           “(2) certify that the amount appropriated in  
4       the current fiscal year for wildfire suppression oper-  
5       ations of the Federal land management agencies  
6       under the jurisdiction of the respective Secretary;  
7       net of any concurrently enacted rescissions of wild-  
8       fire suppression funds; increases the total unobli-  
9       gated balance of amounts available for wildfire sup-  
10      pression by an amount equal to or greater than the  
11      average total costs incurred by the Federal land  
12      management agencies per year for wildfire suppres-  
13      sion operations; including the suppression costs in  
14      excess of appropriated amounts; over the previous  
15      ten fiscal years;

16          “(3) certify that the amount available for wild-  
17      fire suppression operations of the Federal land man-  
18      agement agencies under the jurisdiction of the re-  
19      spective Secretary will be obligated not later than 30  
20      days after such Secretary notifies the President that  
21      wildfire suppression funds will be exhausted to fund  
22      ongoing and anticipated wildfire suppression oper-  
23      ations related to the wildfire on which the request  
24      for the declaration of a major disaster for wildfire  
25      on Federal lands pursuant to this title is based; and

1           “(4) specify the amount required in the current  
 2           fiscal year to fund wildfire suppression operations  
 3           related to the wildfire on which the request for the  
 4           declaration of a major disaster for wildfire on Fed-  
 5           eral lands pursuant to this title is based.

6           “(e) DECLARATION.—Based on the request of the re-  
 7           spective Secretary under this title, the President may de-  
 8           clare that a major disaster for wildfire on Federal lands  
 9           exists.

10       **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

11           “(a) IN GENERAL.—In a major disaster for wildfire  
 12           on Federal lands, the President may transfer funds, only  
 13           from the account established pursuant to subsection (b),  
 14           to the Secretary of the Interior or the Secretary of Agri-  
 15           culture to conduct wildfire suppression operations on Fed-  
 16           eral lands (and non-Federal lands pursuant to a fire pro-  
 17           tection agreement or cooperative agreement).

18           “(b) WILDFIRE SUPPRESSION OPERATIONS AC-  
 19           COUNT.—The President shall establish a specific account  
 20           for the assistance available pursuant to a declaration  
 21           under section 802. Such account may only be used to fund  
 22           assistance pursuant to this title.

23           “(c) LIMITATION.—

24           “(1) LIMITATION OF TRANSFER.—The assist-  
 25           ance available pursuant to a declaration under sec-

1       tion 802 is limited to the transfer of the amount re-  
 2       quested pursuant to section 802(b)(4). The assist-  
 3       ance available for transfer shall not exceed the  
 4       amount contained in the wildfire suppression oper-  
 5       ations account established pursuant to subsection  
 6       (b).

7           “(2) TRANSFER OF FUNDS.—Funds under this  
 8       section shall be transferred from the wildfire sup-  
 9       pression operations account to the wildfire suppres-  
 10      sion subactivity of the Wildland Fire Management  
 11      Account.

12       “(d) PROHIBITION OF OTHER TRANSFERS.—Except  
 13      as provided in this section, no funds may be transferred  
 14      to or from the account established pursuant to subsection  
 15      (b) to or from any other fund or account.

16       “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION  
 17      OPERATIONS ON NON-FEDERAL LAND.—If amounts  
 18      transferred under subsection (e) are used to conduct wild-  
 19      fire suppression operations on non-Federal land, the re-  
 20      spective Secretary shall—

21           “(1) secure reimbursement for the cost of such  
 22      wildfire suppression operations conducted on the  
 23      non-Federal land; and

1           “(2) transfer the amounts received as reim-  
2           bursement to the wildfire suppression operations ac-  
3           count established pursuant to subsection (b).-

4           “(f) ANNUAL ACCOUNTING AND REPORTING RE-  
5           QUIREMENTS.—Not later than 90 days after the end of  
6           each fiscal year for which assistance is received pursuant  
7           to this section, the respective Secretary shall submit to  
8           the Committees on Agriculture, Appropriations, the Budg-  
9           et, Natural Resources, and Transportation and Infrastruc-  
10          ture of the House of Representatives and the Committees  
11          on Agriculture, Nutrition, and Forestry, Appropriations,  
12          the Budget, Energy and Natural Resources, Homeland  
13          Security and Governmental Affairs, and Indian Affairs of  
14          the Senate, and make available to the public, a report that  
15          includes the following:

16               “(1) The risk-based factors that influenced  
17               management decisions regarding wildfire suppression  
18               operations of the Federal land management agencies  
19               under the jurisdiction of the Secretary concerned.

20               “(2) Specific discussion of a statistically signifi-  
21               cant sample of large fires, in which each fire is ana-  
22               lyzed for cost drivers, effectiveness of risk manage-  
23               ment techniques, resulting positive or negative im-  
24               pacts of fire on the landscape, impact of investments  
25               in preparedness, suggested corrective actions, and

1       such other factors as the respective Secretary con-  
2       siders appropriate.

3           ~~“(3) Total expenditures for wildfire suppression~~  
4       ~~operations of the Federal land management agencies~~  
5       ~~under the jurisdiction of the respective Secretary,~~  
6       ~~broken out by fire sizes, cost, regional location, and~~  
7       ~~such other factors as the such Secretary considers~~  
8       ~~appropriate.~~

9           ~~“(4) Lessons learned.~~

10          ~~“(5) Such other matters as the respective Sec-~~  
11       ~~retary considers appropriate.~~

12          ~~“(g) SAVINGS PROVISION.—Nothing in this title shall~~  
13       ~~limit the Secretary of the Interior, the Secretary of Agri-~~  
14       ~~culture, Indian tribe, or a State from receiving assistance~~  
15       ~~through a declaration made by the President under this~~  
16       ~~Act when the criteria for such declaration have been~~  
17       ~~met.”.~~

18       **SEC. 903. PROHIBITION ON TRANSFERS.**

19       No funds may be transferred to or from the Federal  
20       land management agencies’ wildfire suppression oper-  
21       ations accounts referred to in section 801(3) of the Robert  
22       T. Stafford Disaster Relief and Emergency Assistance Act  
23       to or from any account or subactivity of the Federal land  
24       management agencies, as defined in section 801(2) of such

1 ~~Act, that is not used to cover the cost of wildfire suppres-~~  
 2 ~~sion operations.~~

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Emergency Wildfire and Forest Management Act of 2016”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

**TITLE I—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND**

*Sec. 101. Wildfire on Federal land.*

*Sec. 102. Declaration of a major disaster for wildfire on Federal land.*

*Sec. 103. Prohibition on transfers.*

**TITLE II—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-  
 ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST  
 MANAGEMENT ACTIVITIES**

*Sec. 201. Analysis of only 2 alternatives in proposed collaborative forest manage-  
 ment activities.*

*Sec. 202. Categorical exclusion to expedite certain critical response actions.*

*Sec. 203. Categorical exclusion to expedite salvage operations in response to cata-  
 strophic events.*

*Sec. 204. Categorical exclusion to meet forest plan goals for early successional for-  
 ests.*

*Sec. 205. Categorical exclusion to improve, restore, and reduce the risk of wildfire.*

*Sec. 206. Consideration of resource conditions for extraordinary circumstances.*

*Sec. 207. Compliance with forest plan.*

*Sec. 208. Roads.*

*Sec. 209. Exclusions.*

**TITLE III—TRIBAL FORESTRY PARTICIPATION AND PROTECTION**

*Sec. 301. Protection of tribal forest assets.*

*Sec. 302. Management of Indian forest land authorized to include related Na-  
 tional Forest System land and public land.*

*Sec. 303. Tribal forest management demonstration project.*

**TITLE IV—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES**

*Sec. 401. Definition of Secretary.*

*Sec. 402. State-supported planning of forest management activities.*

*Sec. 403. Balancing of impacts in considering injunctive relief.*

*Sec. 404. State and private forest landscape-scale restoration program.*

*Sec. 405. Pilot arbitration program.*

*Sec. 406. National Forest System accelerated landscape restoration pilot program.*

*Sec. 407. Tennessee Wilderness.*

*Sec. 408. Additional authority for sale or exchange of small parcels of National Forest System land.*

*Sec. 409. Extension of authorization for conveyance of Forest Service administrative sites.*

*Sec. 410. Prescribed burn approval.*

*Sec. 411. North Carolina wilderness study areas.*

#### **TITLE V—KISATCHIE NATIONAL FOREST LAND CONVEYANCE**

*Sec. 501. Short title.*

*Sec. 502. Finding.*

*Sec. 503. Definitions.*

*Sec. 504. Authorization of conveyances.*

*Sec. 505. Proceeds from the sale of land.*

*Sec. 506. Administration.*

#### **TITLE VI—CHATTAHOOCHEE-OCONEE NATIONAL FOREST LAND ADJUSTMENT**

*Sec. 601. Short title.*

*Sec. 602. Findings.*

*Sec. 603. Definition of Secretary.*

*Sec. 604. Land conveyance authority.*

*Sec. 605. Treatment of proceeds.*

### **1 SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *CATASTROPHIC EVENT.*—*The term “cata-*  
 4 *strophic event” means any natural disaster (such as*  
 5 *a hurricane, tornado, windstorm, snow or ice storm,*  
 6 *rain storm, high water, wind-driven water, tidal*  
 7 *wave, earthquake, volcanic eruption, landslide,*  
 8 *mudslide, drought, or insect or disease outbreak) or*  
 9 *any fire, flood, or explosion, regardless of cause.*

10 (2) *CATEGORICAL EXCLUSION.*—*The term “cat-*  
 11 *egorical exclusion” means an exclusion from further*  
 12 *analysis and documentation in an environmental as-*  
 13 *essment or an environmental impact statement*  
 14 *under the National Environmental Policy Act of 1969*



1       (42 U.S.C. 4321 *et seq.*) for a project or activity relat-  
 2       ing to the management of National Forest System  
 3       land or public land.

4           (3) *COLLABORATIVE PROCESS*.—The term “col-  
 5       laborative process” means a process relating to the  
 6       management of National Forest System land or pub-  
 7       lic land under which a project or activity is developed  
 8       and implemented—

9           (A) by the Secretary concerned through col-  
 10       laboration with interested persons, as described  
 11       in section 603(b)(1)(C) of the Healthy Forests  
 12       Restoration Act of 2003 (16 U.S.C.  
 13       6591b(b)(1)(C)); or

14          (B) through a collaborative process under  
 15       the Collaborative Forest Landscape Restoration  
 16       Program, as described in section 4003(b)(2) of  
 17       the Omnibus Public Land Management Act of  
 18       2009 (16 U.S.C. 7303(b)(2)).

19          (4) *COMMUNITY WILDFIRE PROTECTION PLAN*.—  
 20       The term “community wildfire protection plan” has  
 21       the meaning given that term in section 101 of the  
 22       Healthy Forests Restoration Act of 2003 (16 U.S.C.  
 23       6511).

24          (5) *FOREST MANAGEMENT ACTIVITY*.—The term  
 25       “forest management activity” means a project or ac-

1        *tivity carried out by the Secretary concerned on Na-*  
 2        *tional Forest System land or public land that is con-*  
 3        *sistent with an applicable forest plan.*

4            (6) *FOREST PLAN.*—*The term “forest plan”*  
 5        *means, as applicable—*

6                    (A) *a resource management plan prepared*  
 7        *by the Bureau of Land Management for public*  
 8        *land pursuant to section 202 of the Federal*  
 9        *Land Policy and Management Act of 1976 (43*  
 10       *U.S.C. 1712); or*

11                   (B) *a land management plan prepared by*  
 12        *the Forest Service for a unit of the National For-*  
 13        *est System pursuant to section 6 of the Forest*  
 14        *and Rangeland Renewable Resources Planning*  
 15        *Act of 1974 (16 U.S.C. 1604).*

16            (7) *NATIONAL FOREST SYSTEM.*—*The term “Na-*  
 17        *tional Forest System” has the meaning given that*  
 18        *term in section 11(a) of the Forest and Rangeland*  
 19        *Renewable Resources Planning Act of 1974 (16*  
 20        *U.S.C. 1609(a)).*

21            (8) *PUBLIC LAND.*—*The term “public land” has*  
 22        *the meaning given the term “public lands” in section*  
 23        *103 of the Federal Land Policy and Management Act*  
 24        *of 1976 (43 U.S.C. 1702).*

1           (9) *RESOURCE ADVISORY COMMITTEE.*—*The*  
 2       *term “resource advisory committee” means—*

3                   (A) *a resource advisory committee estab-*  
 4                   *lished under section 205 of the Secure Rural*  
 5                   *Schools and Community Self-Determination Act*  
 6                   *of 2000 (16 U.S.C. 7125); or*

7                   (B) *an advisory committee determined by*  
 8                   *the Secretary concerned to satisfy the require-*  
 9                   *ments of section 205 of the Secure Rural Schools*  
 10                   *and Community Self-Determination Act of 2000*  
 11                   *(16 U.S.C. 7125).*

12          (10) *SALVAGE OPERATION.*—*The term “salvage*  
 13       *operation” means a forest management activity car-*  
 14       *ried out in response to a catastrophic event, the pri-*  
 15       *mary purpose of which is—*

16                   (A)(i) *to prevent wildfire as a result of the*  
 17                   *catastrophic event; or*

18                   (ii) *if the catastrophic event is a wildfire,*  
 19                   *to prevent a reburn of the fire-impacted area;*

20                   (B) *to provide an opportunity for use of*  
 21                   *any forest material damaged as a result of the*  
 22                   *catastrophic event; or*

23                   (C) *to provide a funding source for reforest-*  
 24                   *ation or other restoration activities for National*

1           *Forest System land or public land impacted by*  
 2           *the catastrophic event.*

3           (11) *SECRETARIES.*—*The term “Secretaries”*  
 4           *means the Secretary of the Interior and the Secretary*  
 5           *of Agriculture.*

6           (12) *SECRETARY CONCERNED.*—*The term “Sec-*  
 7           *retary concerned” means—*

8                     (A) *the Secretary of Agriculture, with re-*  
 9                     *spect to National Forest System land; and*

10                    (B) *the Secretary of the Interior, with re-*  
 11                    *spect to public land.*

12       ***TITLE I—MAJOR DISASTER FOR***  
 13       ***WILDFIRE ON FEDERAL LAND***

14       ***SEC. 101. WILDFIRE ON FEDERAL LAND.***

15       (a) *IN GENERAL.*—*Section 102 of the Robert T. Staf-*  
 16       *ford Disaster Relief and Emergency Assistance Act (42*  
 17       *U.S.C. 5122) is amended—*

18                    (1) *by redesignating paragraphs (3) through (12)*  
 19                    *as paragraphs (4) through (13), respectively; and*

20                    (2) *by inserting after paragraph (2) the fol-*  
 21                    *lowing:*

22                    “(3) *MAJOR DISASTER FOR WILDFIRE ON FED-*  
 23                    *ERAL LAND.*—*The term ‘major disaster for wildfire on*  
 24                    *Federal land’ means any wildfire or wildfires that in*  
 25                    *the determination of the President in accordance with*

1        *section 802 warrants assistance under section 803 to*  
 2        *supplement the efforts and resources of the Secretary*  
 3        *of the Interior or the Secretary of Agriculture—*

4                *“(A) on Federal land; or*

5                *“(B) on non-Federal land in accordance*  
 6                *with a fire protection agreement or cooperative*  
 7                *agreement.”.*

8        (b)            *CONFORMING            AMENDMENT.—Section*  
 9        *251(b)(2)(D)(iii) of the Balanced Budget and Emergency*  
 10        *Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)) is*  
 11        *amended by striking “section 102(2) of the Robert T. Staf-*  
 12        *ford Disaster Relief and Emergency Assistance Act (42*  
 13        *U.S.C. 5122(2))” and inserting “paragraph (2) or (3) of*  
 14        *section 102 of the Robert T. Stafford Disaster Relief and*  
 15        *Emergency Assistance Act (42 U.S.C. 5122)”.*

16        ***SEC. 102. DECLARATION OF A MAJOR DISASTER FOR WILD-***  
 17        ***FIRE ON FEDERAL LAND.***

18        *The Robert T. Stafford Disaster Relief and Emergency*  
 19        *Assistance Act (42 U.S.C. 5121 et seq.) is amended by add-*  
 20        *ing at the end the following:*

21        ***“TITLE VIII—MAJOR DISASTER***  
 22        ***FOR WILDFIRE ON FEDERAL***  
 23        ***LAND***

24        ***“SEC. 801. DEFINITIONS.***

25        *“In this title:*

1           “(1) *FEDERAL LAND.*—*The term ‘Federal land’*  
2       *means—*

3           “(A) *any land under the jurisdiction of the*  
4       *Secretary of the Interior; and*

5           “(B) *any land under the jurisdiction of the*  
6       *Secretary of Agriculture, acting through the*  
7       *Chief of the Forest Service.*

8           “(2) *FEDERAL LAND MANAGEMENT AGENCIES.*—  
9       *The term ‘Federal land management agencies’*  
10      *means—*

11           “(A) *the Bureau of Land Management;*

12           “(B) *the National Park Service;*

13           “(C) *the Bureau of Indian Affairs;*

14           “(D) *the United States Fish and Wildlife*  
15      *Service; and*

16           “(E) *the Forest Service.*

17           “(3) *WILDFIRE SUPPRESSION OPERATIONS.*—*The*  
18      *term ‘wildfire suppression operations’ means the*  
19      *emergency and unpredictable aspects of wildland fire-*  
20      *fighting, including support, response, emergency sta-*  
21      *bilization activities, and other emergency manage-*  
22      *ment activities of wildland firefighting on Federal*  
23      *land, or on non-Federal land in accordance with a*  
24      *fire protection agreement or cooperative agreement, by*  
25      *the Federal land management agencies covered by—*

1           “(A) the wildfire suppression subactivity of  
 2           the Wildland Fire Management account of the  
 3           Federal land management agencies; or

4           “(B) the FLAME Wildfire Suppression Re-  
 5           serve Fund account of the Federal land manage-  
 6           ment agencies.

7   **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**  
 8           **DISASTER FOR WILDFIRE ON FEDERAL LAND.**

9           “(a) *IN GENERAL.*—The Secretary of the Interior or  
 10          the Secretary of Agriculture may submit a request to the  
 11          President in accordance with the requirements of this title  
 12          for a declaration by the President that a major disaster for  
 13          wildfire on Federal land exists.

14          “(b) *REQUIREMENTS.*—A request for a declaration by  
 15          the President that a major disaster for wildfire on Federal  
 16          land exists shall—

17                 “(1) be made in writing by the appropriate Sec-  
 18                 retary;

19                 “(2) certify that the amount made available for  
 20                 the current fiscal year for wildfire suppression oper-  
 21                 ations of the Federal land management agencies  
 22                 under the jurisdiction of the appropriate Secretary,  
 23                 net of any concurrently enacted rescissions of wildfire  
 24                 suppression funds, increases the total unobligated bal-  
 25                 ance of the amount available for wildfire suppression

1        *by an amount not less than the average total cost in-*  
2        *curred by the Federal land management agencies per*  
3        *year for wildfire suppression operations, including*  
4        *the suppression costs in excess of amounts made*  
5        *available, during the previous 10 fiscal years;*

6            *“(3) certify that the amount available for wild-*  
7        *fire suppression operations of the Federal land man-*  
8        *agement agencies under the jurisdiction of the appro-*  
9        *priate Secretary will be obligated not later than 30*  
10       *days after the date on which the Secretary notifies the*  
11       *President that amounts for wildfire suppression will*  
12       *be exhausted to fund ongoing and anticipated wildfire*  
13       *suppression operations relating to the wildfire on*  
14       *which the request is based; and*

15           *“(4) specify the amount required for the fiscal*  
16        *year during which the request is made to fund wild-*  
17        *fire suppression operations relating to the wildfire on*  
18        *which the request is based.*

19           *“(c) DECLARATION.—Based on the request of the ap-*  
20        *propriate Secretary in accordance with this title, the Presi-*  
21        *dent may declare that a major disaster for wildfire on Fed-*  
22        *eral land exists.*

23        **“SEC. 803. WILDFIRE ON FEDERAL LAND ASSISTANCE.**

24           *“(a) IN GENERAL.—During a period for which the*  
25        *President has declared that a major disaster for wildfire*



1 *on Federal land exists in accordance with this title, the*  
 2 *President may transfer funds only from the account estab-*  
 3 *lished in accordance with subsection (b) to the Secretary*  
 4 *of the Interior or the Secretary of Agriculture to conduct*  
 5 *wildfire suppression operations on—*

6           “(1) *Federal land; and*

7           “(2) *non-Federal land in accordance with a fire*  
 8 *protection agreement or cooperative agreement.*

9           “(b) *WILDFIRE SUPPRESSION OPERATIONS AC-*  
 10 *COUNT.—*

11           “(1) *IN GENERAL.—The President shall establish*  
 12 *a specific account, to be known as the ‘wildfire sup-*  
 13 *pression operations account’, for amounts that may be*  
 14 *provided to the appropriate Secretary to conduct*  
 15 *wildfire suppression operations in accordance with*  
 16 *this title.*

17           “(2) *LIMITATION.—The account established in*  
 18 *accordance with paragraph (1) may only be used to*  
 19 *provide amounts to the appropriate Secretary to con-*  
 20 *duct wildfire suppression operations in accordance*  
 21 *with this title.*

22           “(c) *LIMITATION.—*

23           “(1) *LIMITATION OF TRANSFER.—*

24           “(A) *IN GENERAL.—The amounts available*  
 25 *to the appropriate Secretary to conduct wildfire*

1           *suppression operations in accordance with this*  
 2           *title are limited to the amount requested in ac-*  
 3           *cordance with section 802(b)(4).*

4           “(B) *WILDFIRES SUPPRESSION OPERATIONS*  
 5           *ACCOUNT.—Amounts available for transfer to the*  
 6           *appropriate Secretary to conduct wildfire sup-*  
 7           *pression operations in accordance with this title*  
 8           *shall not exceed the amount contained in the*  
 9           *wildfire suppression operations account.*

10          “(2) *TRANSFER OF FUNDS.—A transfer under*  
 11          *subsection (a) shall be made by the transfer of*  
 12          *amounts from the wildfire suppression operations ac-*  
 13          *count to the wildfire suppression subactivity of the*  
 14          *Wildland Fire Management Account.*

15          “(d) *PROHIBITION OF OTHER TRANSFERS.—Except as*  
 16          *provided in this section, no amounts may be transferred*  
 17          *to or from the wildfire suppression operations account to*  
 18          *or from any other fund or account.*

19          “(e) *REIMBURSEMENT FOR WILDFIRE SUPPRESSION*  
 20          *OPERATIONS ON NON-FEDERAL LAND.—If amounts trans-*  
 21          *ferred to the appropriate Secretary to conduct wildfire sup-*  
 22          *pression operations in accordance with this title are used*  
 23          *to conduct wildfire suppression operations on non-Federal*  
 24          *land, the appropriate Secretary shall—*

1           “(1) secure reimbursement for the cost of the  
2       wildfire suppression operations conducted on the non-  
3       Federal land; and

4           “(2) transfer the amounts received under para-  
5       graph (1) to the wildfire suppression operations ac-  
6       count.

7       “(f) ANNUAL ACCOUNTING AND REPORTING REQUIRE-  
8       MENTS.—

9           “(1) IN GENERAL.—Not later than 90 days after  
10      the last day of each fiscal year for which the Sec-  
11      retary of the Interior or the Secretary of Agriculture  
12      receives amounts to conduct wildfire suppression op-  
13      erations in accordance with this title, the appropriate  
14      Secretary shall submit to the committees described in  
15      paragraph (2), and make available to the public, a  
16      report that describes the following:

17           “(A) The risk-based factors that influenced  
18      management decisions regarding wildfire sup-  
19      pression operations of the Federal land manage-  
20      ment agencies under the jurisdiction of the Sec-  
21      retary.

22           “(B) Specific discussion of a statistically  
23      significant sample of large fires, in which each  
24      fire is analyzed for—

25           “(i) cost drivers;

1                   “(ii) the effectiveness of risk manage-  
2                   ment techniques;

3                   “(iii) resulting positive or negative im-  
4                   pacts of fire on the landscape;

5                   “(iv) the impact of any investments in  
6                   preparedness;

7                   “(v) suggested corrective actions; and

8                   “(vi) such other factors as the Sec-  
9                   retary considers appropriate.

10                  “(C) Total expenditures for wildfire sup-  
11                  pression operations of the Federal land manage-  
12                  ment agencies under the jurisdiction of the Sec-  
13                  retary, including a description of expenditures  
14                  by—

15                       “(i) fire size;

16                       “(ii) cost;

17                       “(iii) regional location; and

18                       “(iv) such other factors as the Sec-  
19                       retary considers appropriate.

20                  “(D) Lessons learned.

21                  “(E) Such other matters as the Secretary  
22                  considers appropriate.

23                  “(2) COMMITTEES DESCRIBED.—The committees  
24                  referred to in paragraph (1) are—

25                       “(A) of the Senate—

1 “(i) the Committee on Agriculture, Nu-  
 2 trition, and Forestry;

3 “(ii) the Committee on Appropriations;

4 “(iii) the Committee on the Budget;

5 “(iv) the Committee on Energy and  
 6 Natural Resources;

7 “(v) the Committee on Homeland Secu-  
 8 rity and Governmental Affairs; and

9 “(vi) the Committee on Indian Affairs;  
 10 and

11 “(B) of the House of Representatives—

12 “(i) the Committee on Agriculture;

13 “(ii) the Committee on Appropriations;

14 “(iii) the Committee on the Budget;

15 “(iv) the Committee on Natural Re-  
 16 sources; and

17 “(v) the Committee on Transportation  
 18 and Infrastructure.

19 “(g) SAVINGS PROVISION.—Nothing in this title limits  
 20 the ability of the Secretary of the Interior, the Secretary  
 21 of Agriculture, an Indian tribe, or a State to receive assist-  
 22 ance through a declaration made by the President under  
 23 this Act if the criteria for that declaration have been satis-  
 24 fied.”.

1 **SEC. 103. PROHIBITION ON TRANSFERS.**

2       *No amounts may be transferred to or from the wildfire*  
 3 *suppression subactivity of the Wildland Fire Management*  
 4 *account or the FLAME Wildfire Suppression Reserve Fund*  
 5 *account of the Federal land management agencies (as de-*  
 6 *fined in section 801 of the Robert T. Stafford Disaster Relief*  
 7 *and Emergency Assistance Act (as added by section 102))*  
 8 *to or from any other account or subactivity of those Federal*  
 9 *land management agencies that is not used to cover the cost*  
 10 *of wildfire suppression operations.*

11 **TITLE II—EXPEDITED ENVIRON-**  
 12 **MENTAL ANALYSIS AND**  
 13 **AVAILABILITY OF CATEGOR-**  
 14 **ICAL EXCLUSIONS TO EXPE-**  
 15 **DITE FOREST MANAGEMENT**  
 16 **ACTIVITIES**

17 **SEC. 201. ANALYSIS OF ONLY 2 ALTERNATIVES IN PRO-**  
 18 **POSED COLLABORATIVE FOREST MANAGE-**  
 19 **MENT ACTIVITIES.**

20       *(a) IN GENERAL.—This section shall apply whenever*  
 21 *the Secretary concerned prepares an environmental assess-*  
 22 *ment or an environmental impact statement pursuant to*  
 23 *section 102(2) of the National Environmental Policy Act*  
 24 *of 1969 (42 U.S.C. 4332(2)) for a forest management activ-*  
 25 *ity—*

26               *(1) that is—*

1           (A) developed through a collaborative proc-  
2           ess; or

3           (B) covered by a community wildfire pro-  
4           tection plan; and

5           (2) the primary purpose of which is—

6           (A) the reduction of hazardous fuels;

7           (B) the reduction of fuel connectivity  
8           through the installation of fuel and fire breaks;

9           (C) the restoration of forest health and resil-  
10          ience;

11          (D) the protection of a municipal water  
12          supply system (as defined in section 101 of the  
13          Healthy Forests Restoration Act of 2003 (16  
14          U.S.C. 6511)); or

15          (E) a combination of 2 or more purposes  
16          described in subparagraphs (A) through (D).

17       (b) *CONSIDERATION OF ALTERNATIVES.*—In an envi-  
18       ronmental assessment or environmental impact statement  
19       described in subsection (a), the Secretary concerned shall  
20       study, develop, and describe only the following 2 alter-  
21       natives:

22           (1) The forest management activity, as proposed  
23           pursuant to subsection (a).

24           (2) The alternative of no action.

1       (c) *ELEMENTS OF NO ACTION ALTERNATIVE.*—*In the*  
 2 *case of the alternative of no action, the Secretary concerned*  
 3 *shall evaluate—*

4           (1) *the effect of no action on—*

5               (A) *forest health;*

6               (B) *habitat diversity;*

7               (C) *wildfire potential;*

8               (D) *insect and disease potential; and*

9               (E) *other economic and social factors; and*

10          (2) *the implications of a resulting decline, if*  
 11 *any, in forest health, loss of habitat diversity, wild-*  
 12 *fire, or insect or disease infestation, given fire and in-*  
 13 *sect and disease historic cycles, on—*

14               (A) *domestic water costs;*

15               (B) *wildlife habitat loss; and*

16               (C) *other economic and social factors.*

17 **SEC. 202. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN**  
 18 **CRITICAL RESPONSE ACTIONS.**

19       (a) *IN GENERAL.*—*A categorical exclusion is available*  
 20 *to the Secretary concerned to propose a forest management*  
 21 *activity on National Forest System land or public land in*  
 22 *any case in which—*

23           (1) *the forest management activity is developed*  
 24 *and implemented through a collaborative process; and*



1           (2) *the primary purpose of the forest manage-*  
 2       *ment activity is—*

3                 (A) *to address an insect or disease infesta-*  
 4       *tion;*

5                 (B) *to reduce hazardous fuels;*

6                 (C) *to protect a municipal water supply*  
 7       *system (as defined in section 101 of the Healthy*  
 8       *Forests Restoration Act of 2003 (16 U.S.C.*  
 9       *6511));*

10                (D) *to maintain, enhance, or modify crit-*  
 11       *ical habitat to protect the critical habitat from*  
 12       *catastrophic events;*

13                (E) *to increase water yield; or*

14                (F) *any combination of the purposes speci-*  
 15       *fied in subparagraphs (A) through (E).*

16       (b) *LIMITATION.—A forest management activity cov-*  
 17       *ered by the categorical exclusion described in subsection (a)*  
 18       *may not contain harvest units exceeding a total of 3,000*  
 19       *acres.*

20       (c) *REQUIREMENTS.—A forest management activity*  
 21       *covered by the categorical exclusion described in subsection*  
 22       *(a) shall be—*

23                (1) *based on the best available scientific informa-*  
 24       *tion; and*

25                (2) *subject to section 206.*

1 **SEC. 203. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**  
 2 **OPERATIONS IN RESPONSE TO CATA-**  
 3 **STROPHIC EVENTS.**

4 (a) *IN GENERAL.*—A categorical exclusion is available  
 5 to the Secretary concerned to develop and carry out a sal-  
 6 vage operation as part of the restoration of National Forest  
 7 System land or public land following a catastrophic event.

8 (b) *ACREAGE LIMITATIONS.*—

9 (1) *IN GENERAL.*—Subject to paragraph (2), a  
 10 salvage operation covered by the categorical exclusion  
 11 described in subsection (a) may not contain harvest  
 12 units exceeding a total of 3,000 acres.

13 (2) *HARVEST AREA.*—The harvest units covered  
 14 by the categorical exclusion described in subsection  
 15 (a) may not exceed  $\frac{1}{3}$  of the area impacted by the  
 16 catastrophic event.

17 (c) *REQUIREMENT.*—A salvage operation covered by  
 18 the categorical exclusion described in subsection (a) shall  
 19 be subject to section 206.

20 **SEC. 204. CATEGORICAL EXCLUSION TO MEET FOREST**  
 21 **PLAN GOALS FOR EARLY SUCCESSIONAL FOR-**  
 22 **ESTS.**

23 (a) *IN GENERAL.*—A categorical exclusion is available  
 24 to the Secretary concerned to develop and carry out a forest  
 25 management activity on National Forest System land or  
 26 public land—

1           (1) *in any case in which the forest management*  
2           *activity is developed and implemented through a col-*  
3           *laborative process; and*

4           (2) *when the primary purpose of the forest man-*  
5           *agement activity is to modify, improve, enhance, or*  
6           *create early successional forests for wildlife habitat*  
7           *improvement and other purposes, consistent with the*  
8           *applicable forest plan.*

9           (b) *PROJECT GOALS.—To the maximum extent prac-*  
10          *ticable, the Secretary concerned shall design a forest man-*  
11          *agement activity under this section to meet early succes-*  
12          *sional forest goals in such a manner so as to maximize pro-*  
13          *duction and regeneration of priority species, as identified*  
14          *in the forest plan and consistent with the capability of the*  
15          *activity site.*

16          (c) *LIMITATION.—A forest management activity cov-*  
17          *ered by the categorical exclusion described in subsection (a)*  
18          *may not contain harvest units exceeding a total of 3,000*  
19          *acres.*

20          (d) *REQUIREMENTS.—A forest management activity*  
21          *covered by the categorical exclusion described in subsection*  
22          *(a) shall be—*

23                 (1) *based on the best available scientific informa-*  
24                 *tion; and*

25                 (2) *subject to section 206.*

1 **SEC. 205. CATEGORICAL EXCLUSION TO IMPROVE, RE-**  
2 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *HAZARDOUS FUELS MANAGEMENT.—The*  
5 *term “hazardous fuels management” means any vege-*  
6 *tation management activities that reduce the risk of*  
7 *wildfire.*

8 (2) *LATE-SEASON GRAZING.—The term “late-sea-*  
9 *son grazing” means grazing activities that occur dur-*  
10 *ing the period—*

11 (A) *beginning when both the invasive spe-*  
12 *cies and native perennial species have completed*  
13 *the current-year annual growth cycle of the spe-*  
14 *cies; and*

15 (B) *ending when new plant growth begins*  
16 *to appear in the following year.*

17 (3) *TARGETED LIVESTOCK GRAZING.—The term*  
18 *“targeted livestock grazing” means grazing used for*  
19 *purposes of hazardous fuel reduction.*

20 (b) *AVAILABILITY OF CATEGORICAL EXCLUSION.—A*  
21 *categorical exclusion is available to the Secretary concerned*  
22 *to carry out a forest management activity described in sub-*  
23 *section (d) on National Forest System Land or public*  
24 *land—*

1           (1) *in any case in which the forest management*  
 2           *activity is developed and implemented through a col-*  
 3           *laborative process; and*

4           (2) *when the primary purpose of the activity on*  
 5           *that National Forest System land or public land is—*

6                     (A) *to improve forest health;*

7                     (B) *to restore forest health;*

8                     (C) *to reduce the risk of wildfire; or*

9                     (D) *to achieve State wildlife population*  
 10           *goals.*

11           (c) *ACREAGE LIMITATIONS REQUIREMENTS.—A forest*  
 12           *management activity covered by the categorical exclusion*  
 13           *described in subsection (b)—*

14                     (1) *may not contain harvest units exceeding a*  
 15           *total of 3,000 acres; and*

16                     (2) *shall be based on the best available scientific*  
 17           *information.*

18           (d) *AUTHORIZED ACTIVITIES.—The following activi-*  
 19           *ties may be carried out using a categorical exclusion de-*  
 20           *scribed in subsection (b):*

21                     (1) *Removal of juniper trees, medusahead rye,*  
 22           *conifer trees, pinon pine trees, cheatgrass, and other*  
 23           *noxious or invasive weeds specified on Federal or*  
 24           *State noxious weeds lists through late-season livestock*

1       *grazing, targeted livestock grazing, prescribed burns,*  
 2       *and mechanical treatments.*

3               *(2) Performance of hazardous fuels management.*

4               *(3) Creation of fuel and fire breaks.*

5               *(4) Modification of existing fences so as to dis-*  
 6       *tribute livestock and help improve wildlife habitat.*

7               *(5) Installation of erosion control devices.*

8               *(6) Construction of new and maintenance of per-*  
 9       *manent infrastructure, including stock ponds, water*  
 10       *catchments, and water spring boxes used to benefit*  
 11       *livestock and improve wildlife habitat.*

12               *(7) Performance of soil treatments, native and*  
 13       *nonnative seeding, and planting of and transplanting*  
 14       *sagebrush, grass, forb, shrub, and other species.*

15               *(8) Use of herbicides, if the Secretary concerned*  
 16       *determines that the activity is otherwise conducted*  
 17       *consistently with agency procedures, including any*  
 18       *forest plan applicable to the area covered by the activ-*  
 19       *ity.*

20       *(e) REQUIREMENT.—A forest management activity*  
 21       *covered by the categorical exclusion described in subsection*  
 22       *(b) shall be subject to section 206.*

23       **SEC. 206. CONSIDERATION OF RESOURCE CONDITIONS FOR**  
 24       **EXTRAORDINARY CIRCUMSTANCES.**

25       *(a) DEFINITIONS.—In this section:*

(1) *BENEFICIAL EFFECT.*—The term “beneficial effect” means long-term—

(A) improvement in ecological or hydrological function and health;

(B) improvement in forest health;

(C) reduction in the risk of catastrophic fire; or

(D) protection of watersheds.

(2) *CATEGORICALLY EXCLUDED.*—The term “categorically excluded” means categorically excluded from further analysis and documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) *EXTRAORDINARY CIRCUMSTANCES.*—Except as provided in subsection (c), the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), shall apply to a proposal for—

(1) a forest management activity that is categorically excluded under this title; or

(2) a project that is categorically excluded under section 603(a)(1) of the Healthy Forests Restoration Act of 2013 (16 U.S.C. 6591b(a)(1)).

(c) *CONSIDERATION OF BENEFICIAL EFFECTS.*—

1           (1) *IN GENERAL.*—*In determining whether ex-*  
 2           *traordinary circumstances preclude a proposal for a*  
 3           *forest management activity or project described in*  
 4           *paragraph (1) or (2) of subsection (b) from being cat-*  
 5           *egorically excluded, the Secretary shall consider the*  
 6           *beneficial effect of the proposed forest management ac-*  
 7           *tivity or project on sensitive species.*

8           (2) *REASONABLE BENEFICIAL EFFECT.*—*The*  
 9           *Secretary shall not determine that extraordinary cir-*  
 10          *cumstances preclude a proposal for a forest manage-*  
 11          *ment activity or project described in paragraph (1) or*  
 12          *(2) of subsection (b) from being categorically excluded*  
 13          *if, after consideration under paragraph (1), the Sec-*  
 14          *retary determines that there is a reasonable beneficial*  
 15          *effect or reasonably foreseeable beneficial effect of the*  
 16          *proposed forest management activity or project on*  
 17          *sensitive species.*

18          (3) *EFFECT OF UNCERTAINTY.*—*Uncertainty*  
 19          *with respect to the degree of a beneficial effect under*  
 20          *paragraph (1) or (2) shall not preclude the use of a*  
 21          *categorical exclusion.*

22 **SEC. 207. COMPLIANCE WITH FOREST PLAN.**

23          *A forest management activity covered by a categorical*  
 24          *exclusion described in this title shall be conducted in a man-*  
 25          *ner consistent with the forest plan applicable to the Na-*



1 *tional Forest System land or public land covered by the*  
 2 *forest management activity.*

3 **SEC. 208. ROADS.**

4 (a) *PERMANENT ROADS.*—A forest management activ-  
 5 *ity carried out under this title shall not include the con-*  
 6 *struction of new permanent roads.*

7 (b) *EXISTING ROADS.*—The Secretary concerned may  
 8 *carry out necessary maintenance of, repairs to, or recon-*  
 9 *struction of an existing permanent road for the purposes*  
 10 *of this title.*

11 (c) *TEMPORARY ROADS.*—The Secretary concerned  
 12 *shall decommission any temporary road constructed under*  
 13 *this title not later than 3 years after the date on which*  
 14 *the project is completed.*

15 **SEC. 209. EXCLUSIONS.**

16 *This title does not apply to—*

17 (1) *a component of the National Wilderness Pres-*  
 18 *ervation System;*

19 (2) *any Federal land on which, by Act of Con-*  
 20 *gress, the removal of vegetation is prohibited;*

21 (3) *a congressionally designated wilderness study*  
 22 *area; or*

23 (4) *an area in which the activities authorized*  
 24 *under this title would be inconsistent with the appli-*  
 25 *cable resource management plan.*

1 **TITLE III—TRIBAL FORESTRY**  
 2 **PARTICIPATION AND PROTEC-**  
 3 **TION**

4 **SEC. 301. PROTECTION OF TRIBAL FOREST ASSETS.**

5 (a) *PROMPT CONSIDERATION OF TRIBAL RE-*  
 6 *QUESTS.*—Section 2(b) of the Tribal Forest Protection Act  
 7 of 2004 (25 U.S.C. 3115a(b)) is amended—

8 (1) in paragraph (1), by striking “Not later than  
 9 120 days after the date on which an Indian tribe sub-  
 10 mits to the Secretary” and inserting “In response to  
 11 the submission by an Indian tribe to the Secretary  
 12 of”; and

13 (2) by adding at the end the following:

14 “(4) *TIME PERIODS FOR CONSIDERATION.*—

15 “(A) *INITIAL RESPONSE.*—Not later than  
 16 120 days after the date on which the Secretary  
 17 receives a tribal request under paragraph (1), the  
 18 Secretary shall provide an initial response to the  
 19 Indian tribe regarding—

20 “(i) whether the request may meet the  
 21 selection criteria described in subsection (c);  
 22 and

23 “(ii) the likelihood of the Secretary en-  
 24 tering into an agreement or contract with

1           the Indian tribe under paragraph (2) for  
2           activities described in paragraph (3).

3           “(B) NOTICE OF DENIAL.—A notice under  
4           subsection (d) of the denial of a tribal request  
5           under paragraph (1) shall be provided to the In-  
6           dian tribe by not later than 1 year after the date  
7           on which the Secretary receives the request.

8           “(C) COMPLETION.—Not later than 2 years  
9           after the date on which the Secretary receives a  
10          tribal request under paragraph (1) (other than a  
11          tribal request denied under subsection (d)) the  
12          Secretary shall—

13               “(i) complete all environmental reviews  
14               necessary in connection with the agreement  
15               or contract and proposed activities under  
16               the agreement or contract; and

17               “(ii) enter into the agreement or con-  
18               tract with the Indian tribe under para-  
19               graph (2).”.

20          (b) CONFORMING AND TECHNICAL AMENDMENTS.—  
21          Section 2 of the Tribal Forest Protection Act of 2004 (25  
22          U.S.C. 3115a) is amended—

23               (1) in subsections (b)(1) and (f)(1), by striking  
24               “section 347 of the Department of the Interior and  
25               Related Agencies Appropriations Act, 1999 (16

1       *U.S.C. 2104 note; Public Law 105–277) (as amended*  
 2       *by section 323 of the Department of the Interior and*  
 3       *Related Agencies Appropriations Act, 2003 (117 Stat.*  
 4       *275))” each place it appears and inserting “section*  
 5       *604 of the Healthy Forests Restoration Act of 2003*  
 6       *(16 U.S.C. 6591c)”;* and

7               *(2) in subsection (d), in the matter preceding*  
 8       *paragraph (1), by striking “subsection (b)(1), the Sec-*  
 9       *retary may” and inserting “paragraphs (1) and*  
 10       *(4)(B) of subsection (b), the Secretary shall”.*

11   **SEC. 302. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**  
 12                       **IZED TO INCLUDE RELATED NATIONAL FOR-**  
 13                       **EST SYSTEM LAND AND PUBLIC LAND.**

14       *Section 305 of the National Indian Forest Resources*  
 15       *Management Act (25 U.S.C. 3104) is amended by adding*  
 16       *at the end the following:*

17       “(c) *INCLUSION OF CERTAIN NATIONAL FOREST SYS-*  
 18       *TEM LAND AND PUBLIC LAND.—*

19               “(1) *DEFINITIONS.—In this subsection:*

20                       “(A) *FEDERAL FOREST LAND.—The term*  
 21               *‘Federal forest land’ means—*

22                               “(i) *National Forest System land; and*

23                               “(ii) *public lands (as defined in sec-*  
 24               *tion 103 of the Federal Land Policy and*

1           *Management Act of 1976 (43 U.S.C. 1702)),*  
2           *including—*

3                     “(I) *Coos Bay Wagon Road Grant*  
4                     *land reconveyed to the United States*  
5                     *pursuant to the first section of the Act*  
6                     *of February 26, 1919 (40 Stat. 1179,*  
7                     *chapter 47); and*

8                     “(II) *Oregon and California Rail-*  
9                     *road Grant land.*

10                   “(B) *SECRETARY CONCERNED.—The term*  
11                   *‘Secretary concerned’ means—*

12                             “(i) *the Secretary of Agriculture, with*  
13                             *respect to the Federal forest land described*  
14                             *in subparagraph (A)(i); and*

15                             “(ii) *the Secretary of the Interior, with*  
16                             *respect to the Federal forest land described*  
17                             *in subparagraph (A)(ii).*

18                   “(2) *AUTHORITY.—*

19                             “(A) *IN GENERAL.—On request of an In-*  
20                             *dian tribe, the Secretary concerned may treat*  
21                             *Federal forest land described in subparagraph*  
22                             *(B) as Indian forest land for purposes of plan-*  
23                             *ning and conducting forest land management ac-*  
24                             *tivities under this section.*

1                   “(B) *FEDERAL FOREST LAND DESCRIBED.*—  
 2                   *Federal forest land referred to in subparagraph*  
 3                   *(A) is Federal forest land that is located within,*  
 4                   *or mostly within, a geographic area that pre-*  
 5                   *sents a feature or involves circumstances prin-*  
 6                   *cipally relevant to the Indian tribe making the*  
 7                   *request, including Federal forest land—*

8                   “(i) *ceded to the United States by trea-*  
 9                   *ty;*

10                   “(ii) *located within the boundaries of a*  
 11                   *current or former Indian reservation; or*

12                   “(iii) *adjudicated to be tribal home-*  
 13                   *land.*

14                   “(3) *REQUIREMENTS.*—*As part of an agreement*  
 15                   *to treat Federal forest land as Indian forest land*  
 16                   *under paragraph (2), the Secretary concerned and the*  
 17                   *Indian tribe making the request shall—*

18                   “(A) *provide for continued public access ap-*  
 19                   *plicable to the Federal forest land prior to the*  
 20                   *date of the agreement, except that the Secretary*  
 21                   *concerned may limit or prohibit that access as*  
 22                   *necessary;*

23                   “(B) *continue sharing revenue generated by*  
 24                   *the Federal forest land with State and local gov-*  
 25                   *ernments either—*

1           “(i) on the terms applicable to the Fed-  
2           eral forest land prior to the date of the  
3           agreement, including, as applicable, 25-per-  
4           cent payments or 50-percent payments; or

5           “(ii) at the option of the Indian tribe,  
6           on terms agreed to by the Indian tribe, the  
7           Secretary concerned, and State and local  
8           governments participating in a revenue  
9           sharing agreement applicable to the Federal  
10          forest land;

11          “(C) comply with applicable prohibitions  
12          on the export of unprocessed logs harvested from  
13          the Federal forest land;

14          “(D) recognize all right-of-way agreements  
15          in effect on the Federal forest land prior to the  
16          commencement of tribal forest land management  
17          activities; and

18          “(E) ensure that any commercial timber re-  
19          moved from the Federal forest land is sold on a  
20          competitive bid basis.

21          “(4) *EFFECT.*—The treatment of Federal forest  
22          land as Indian forest land for purposes of planning  
23          and conducting forest land management activities  
24          pursuant to paragraph (2) does not designate the

1       *Federal forest land as Indian forest land for any*  
 2       *other purpose.”.*

3   **SEC. 303. TRIBAL FOREST MANAGEMENT DEMONSTRATION**  
 4       **PROJECT.**

5       *The Secretary of the Interior or the Secretary of Agri-*  
 6       *culture may carry out a demonstration project pursuant*  
 7       *to which a federally recognized Indian tribe or tribal orga-*  
 8       *nization may enter into a contract to carry out administra-*  
 9       *tive, management, or other functions of programs of the*  
 10       *Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a),*  
 11       *through a contract entered into under the Indian Self-De-*  
 12       *termination and Education Assistance Act (25 U.S.C. 450*  
 13       *et seq.).*

14   **TITLE IV—MISCELLANEOUS FOR-**  
 15       **EST MANAGEMENT ACTIVI-**  
 16       **TIES**

17   **SEC. 401. DEFINITION OF SECRETARY.**

18       *In this title, the term “Secretary” means the Secretary*  
 19       *of Agriculture.*

20   **SEC. 402. STATE-SUPPORTED PLANNING OF FOREST MAN-**  
 21       **AGEMENT ACTIVITIES.**

22       *(a) DEFINITIONS.—In this section:*

23               *(1) ELIGIBLE ENTITY.—The term “eligible enti-*  
 24       *ty” means—*



1           (A) a State or political subdivision of a  
 2           State that contains National Forest System land  
 3           or public land;

4           (B) a publicly chartered utility serving 1 or  
 5           more States or political subdivisions of a State;

6           (C) a rural electric company; and

7           (D) any other entity determined by the Sec-  
 8           retary concerned to be appropriate for participa-  
 9           tion in the Fund.

10          (2) *FUND.*—The term “Fund” means the State-  
 11          Supported Forest Management Fund established by  
 12          subsection (b).

13          (b) *ESTABLISHMENT.*—There is established in the  
 14          Treasury of the United States a fund, to be known as the  
 15          “State-Supported Forest Management Fund”, to cover the  
 16          cost of planning (especially as relating to compliance with  
 17          section 102(2) of the National Environmental Policy Act  
 18          of 1969 (42 U.S.C. 4332(2))), carrying out, and monitoring  
 19          certain forest management activities on National Forest  
 20          System land or public land.

21          (c) *CONTENTS.*—The Fund shall consist of such  
 22          amounts as may be—

23               (1) contributed by an eligible entity for deposit  
 24               in the Fund;

25               (2) appropriated to the Fund; or

1           (3) *generated by forest management activities*  
 2           *carried out using amounts in the Fund.*

3           (d) *GEOGRAPHICAL AND USE LIMITATIONS.—In mak-*  
 4           *ing a contribution under subsection (c)(1), an eligible entity*  
 5           *may—*

6           (1) *specify the National Forest System land or*  
 7           *public land for which the contribution may be ex-*  
 8           *pende;d; and*

9           (2) *limit the types of forest management activi-*  
 10          *ties for which the contribution may be expended.*

11          (e) *AUTHORIZED ACTIVITIES.—In such amounts as*  
 12          *may be provided in advance in appropriation Acts, the Sec-*  
 13          *retary concerned may use amounts in the Fund to plan,*  
 14          *carry out, and monitor any forest management activity*  
 15          *that is—*

16          (1) *developed and implemented through a col-*  
 17          *laborative process;*

18          (2) *proposed by a resource advisory committee;*  
 19          *or*

20          (3) *covered by a community wildfire protection*  
 21          *plan.*

22          (f) *IMPLEMENTATION METHODS.—*

23          (1) *IN GENERAL.—A forest management activity*  
 24          *carried out using amounts in the Fund may be car-*  
 25          *ried out pursuant to—*

1           (A) a stewardship end result contracting  
 2           project authorized under section 604 of the  
 3           *Healthy Forests Restoration Act of 2003* (16  
 4           U.S.C. 6591c);

5           (B) good neighbor authority under section  
 6           8206 of the *Agricultural Act of 2014* (16 U.S.C.  
 7           2113a) and section 331 of the *Department of the*  
 8           *Interior and Related Agencies Appropriations*  
 9           *Act, 2001* (Public Law 106–291; 114 Stat. 996;  
 10          118 Stat. 3102; 123 Stat. 2961; 128 Stat. 341);

11          (C) a contract under section 14 of the *Na-*  
 12          *tional Forest Management Act of 1976* (16  
 13          U.S.C. 472a); or

14          (D) any other authority available to the  
 15          Secretary concerned.

16          (2) *USE OF REVENUES.*—Any revenue generated  
 17          by a forest management activity described in para-  
 18          graph (1) shall be used to reimburse the Fund for  
 19          planning costs covered using amounts in the Fund.

20          (g) *RELATION TO OTHER LAWS.*—

21          (1) *REVENUE SHARING.*—Subject to subsection  
 22          (f), revenues generated by a forest management activ-  
 23          ity carried out using amounts from the Fund shall be  
 24          considered to be monies received from the National  
 25          Forest System.

1           (2) *KNUTSON-VANDENBERG ACT.*—*The Act of*  
 2           *June 9, 1930 (commonly known as the “Knutson-*  
 3           *Vandenberg Act”)* (16 U.S.C. 576 *et seq.*), *shall apply*  
 4           *to a forest management activity carried out using*  
 5           *amounts in the Fund.*

6           (h) *TERMINATION OF FUND.*—

7           (1) *IN GENERAL.*—*The Fund shall terminate on*  
 8           *September 30, 2018.*

9           (2) *EFFECT.*—*On the termination of the Fund*  
 10          *under paragraph (1), or pursuant to any other law,*  
 11          *any unobligated contribution remaining in the Fund*  
 12          *shall be returned to the eligible entity that made the*  
 13          *contribution.*

14   **SEC. 403. BALANCING OF IMPACTS IN CONSIDERING IN-**  
 15                           **JUNCTIVE RELIEF.**

16          *A court reviewing an agency action relating to a forest*  
 17          *management activity under this Act for a request for an*  
 18          *order to enjoin the agency action shall, as part of the bal-*  
 19          *ancing of interests, balance—*

20               (1) *the short- and long-term impacts on each eco-*  
 21               *system likely to be affected by the forest management*  
 22               *activity if the agency action is undertaken; against*

23               (2) *the short- and long-term impacts on each eco-*  
 24               *system likely to be affected by the forest management*  
 25               *activity if the agency action is not undertaken.*

1 **SEC. 404. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**  
 2 **RESTORATION PROGRAM.**

3 (a) *IN GENERAL.*—Section 13A of the Cooperative For-  
 4 estry Assistance Act of 1978 (16 U.S.C. 2109a) is amended  
 5 to read as follows:

6 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**  
 7 **RESTORATION PROGRAM.**

8 “(a) *PURPOSE.*—The purpose of this section is to en-  
 9 courage collaborative, science-based restoration of priority  
 10 forest landscapes and help manage forest resources that are  
 11 at risk of—

12 “(1) *catastrophic events (as defined in section 2*  
 13 *of the Emergency Wildfire and Forest Management*  
 14 *Act of 2016); and*

15 “(2) *any other threats that degrade the vitality*  
 16 *of forest ecosystems.*

17 “(b) *DEFINITIONS.*—In this section:

18 “(1) *BEGINNING FOREST OWNER.*—The term ‘be-  
 19 ginning forest owner’ means a person who is in the  
 20 first 10 years of ownership of nonindustrial private  
 21 forest land.

22 “(2) *INDIAN TRIBE.*—The term ‘Indian tribe’ has  
 23 the meaning given the term in section 4 of the Indian  
 24 Self-Determination and Education Assistance Act (25  
 25 U.S.C. 450b).

1           “(3) *NONINDUSTRIAL PRIVATE FOREST LAND.*—

2           *The term ‘nonindustrial private forest land’ means*  
 3           *land that—*

4                     “(A) *is rural, as determined by the Sec-*  
 5                     *retary;*

6                     “(B) *has existing tree cover or is suitable*  
 7                     *for growing trees; and*

8                     “(C) *is owned by any private individual,*  
 9                     *group, association, corporation, Indian tribe, or*  
 10                    *other private legal entity.*

11           “(4) *STATE FOREST LAND.*—*The term ‘State for-*  
 12           *est land’ means land that—*

13                     “(A) *is rural, as determined by the Sec-*  
 14                     *retary; and*

15                     “(B) *is under State or local governmental*  
 16                     *ownership and considered to be non-Federal for-*  
 17                     *est land.*

18           “(c) *ESTABLISHMENT.*—*The Secretary, in consultation*  
 19           *with State Foresters or appropriate State agencies, shall*  
 20           *establish a competitive grant program to provide financial*  
 21           *and technical assistance—*

22                     “(1) *to encourage active forest management on*  
 23                     *cross-boundary priority forest landscapes, including*  
 24                     *land owned by beginning and previously unengaged*

1     *forest owners, for the purpose of maintaining forest*  
 2     *health;*

3             *“(2) to protect forests from natural threats and*  
 4     *wildfire;*

5             *“(3) to enhance public benefits from forests;*

6             *“(4) to conserve and manage working forest*  
 7     *landscapes for multiple values and uses; and*

8             *“(5) to advance priorities in statewide forest as-*  
 9     *essment and resource strategies.*

10            *“(d) ELIGIBILITY.—To be eligible to receive a grant*  
 11 *under this section, an applicant shall submit to the Sec-*  
 12 *retary, through the State forester or appropriate State agen-*  
 13 *cy, a State and private forest landscape-scale restoration*  
 14 *proposal based on a restoration strategy that is—*

15             *“(1) complete or substantially complete;*

16             *“(2) for a multiyear period;*

17             *“(3) comprised of nonindustrial private forest*  
 18     *land or State forest land;*

19             *“(4) accessible by wood-processing infrastructure;*  
 20     *and*

21             *“(5) based on the best available science.*

22            *“(e) PLAN CRITERIA.—A State and private forest*  
 23 *landscape-scale restoration proposal submitted under this*  
 24 *section shall include plans—*

1           “(1) to reduce the risk of uncharacteristic  
2       *wildfires, including hazardous fuels management;*

3           “(2) to improve fish and wildlife habitats, in-  
4       *cluding the habitats of threatened and endangered*  
5       *species;*

6           “(3) to maintain or improve water quality and  
7       *watershed function;*

8           “(4) to mitigate invasive species, insect infesta-  
9       *tion, and disease;*

10          “(5) to improve important forest ecosystems;

11          “(6) to measure ecological and economic benefits,  
12       *including air quality and soil quality and produc-*  
13       *tivity;*

14          “(7) to prioritize a State forest action plan;

15          “(8) to utilize and advance production of renew-  
16       *able energy; and*

17          “(9) to take other relevant actions, as determined  
18       *by the Secretary.*

19          “(f) *PRIORITIES.*—*In making grants under this sec-*  
20       *tion, the Secretary shall give priority to plans that—*

21               “(1) *further a statewide forest assessment and re-*  
22       *source strategy;*

23               “(2) *promote cross boundary landscape collabo-*  
24       *ration; and*

25               “(3) *leverage public and private resources.*



1       “(g) *COLLABORATION AND CONSULTATION.*—*The Chief*  
 2   *of the Forest Service, the Chief of the Natural Resources*  
 3   *Conservation Service, and relevant stakeholders shall col-*  
 4   *laborate and consult on an ongoing basis regarding admin-*  
 5   *istration of the program established under this section and*  
 6   *identifying other applicable resources towards landscape-*  
 7   *scale restoration.*

8       “(h) *MATCHING FUNDS REQUIRED.*—*As a condition*  
 9   *of receiving a grant under this section, the Secretary shall*  
 10   *require the recipient of the grant to provide funds or in-*  
 11   *kind support from non-Federal sources in an amount that*  
 12   *is at least equal to the amount provided by the Federal Gov-*  
 13   *ernment.*

14       “(i) *COORDINATION AND PROXIMITY ENCOURAGED.*—  
 15   *In making grants under this section, the Secretary may*  
 16   *consider coordination with and proximity to other land-*  
 17   *scape-scale projects on other land under the jurisdiction of*  
 18   *the Secretary, the Secretary of the Interior, or a Governor*  
 19   *of a State, including under—*

20               “(1) *the Collaborative Forest Landscape Restora-*  
 21    *tion Program established under section 4003 of the*  
 22    *Omnibus Public Land Management Act of 2009 (16*  
 23    *U.S.C. 7303);*

1           “(2) landscape areas designated for insect and  
 2           disease treatments under section 602 of the Healthy  
 3           Forests Restoration Act of 2003 (16 U.S.C. 6591a);

4           “(3) good neighbor authority under section 8206  
 5           of the Agricultural Act of 2014 (16 U.S.C. 2113a)  
 6           and section 331 of the Department of the Interior and  
 7           Related Agencies Appropriations Act, 2001 (Public  
 8           Law 106–291; 114 Stat. 996; 118 Stat. 3102, 123  
 9           Stat. 2961; 128 Stat. 341);

10           “(4) stewardship end result contracting projects  
 11           authorized under section 604 of the Healthy Forests  
 12           Restoration Act of 2003 (16 U.S.C. 6591c);

13           “(5) appropriate State-level programs; and

14           “(6) other relevant programs, as determined by  
 15           the Secretary.

16           “(j) REGULATIONS.—The Secretary shall promulgate  
 17           such regulations as the Secretary determines necessary to  
 18           carry out this section.

19           “(k) REPORT.—Not later than 3 years after the date  
 20           of enactment of this section, the Secretary shall submit to  
 21           the Committee on Agriculture of the House of Representa-  
 22           tives and the Committee on Agriculture, Nutrition, and  
 23           Forestry of the Senate a report on the status of development,  
 24           execution, and administration of selected projects, account-

1 *ing of program funding expenditures, and specific accom-*  
 2 *plishments that have resulted from landscape-scale projects.*

3 “(l) *FUND.*—

4 “(1) *IN GENERAL.*—*There is established in the*  
 5 *Treasury of the United States a fund, to be known as*  
 6 *the ‘State and Private Forest Landscape-Scale Res-*  
 7 *toration Fund’ (referred to in this subsection as the*  
 8 *‘Fund’), to be used by the Secretary to make grants*  
 9 *under this section.*

10 “(2) *CONTENTS.*—*The Fund shall consist of such*  
 11 *amounts as are appropriated to the Fund under*  
 12 *paragraph (3).*

13 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—  
 14 *There is authorized to be appropriated to the Fund*  
 15 *\$40,000,000 for each fiscal year beginning with the*  
 16 *first full fiscal year after the date of enactment of the*  
 17 *Emergency Wildfire and Forest Management Act of*  
 18 *2016 through fiscal year 2018, to remain available*  
 19 *until expended.”.*

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *Section 13B of the Cooperative Forestry As-*  
 22 *sistance Act of 1978 (16 U.S.C. 2109b) is repealed.*

23 (2) *Section 19(a)(4)(C) of the Cooperative For-*  
 24 *estry Assistance Act of 1978 (16 U.S.C.*

1       2113(a)(4)(C)) is amended by striking “sections 13A  
2       and 13B” and inserting “section 13A”.

3   **SEC. 405. PILOT ARBITRATION PROGRAM.**

4       (a) *DEFINITIONS.*—In this section:

5           (1) *ARBITRATOR.*—The term “arbitrator” means  
6       a professional arbitrator or other individual who—

7           (A) possesses expertise in the subject matter  
8       of a specific demand for arbitration filed under  
9       subsection (f); and

10          (B) is selected by the Secretary to make a  
11       decision on that specific demand for arbitration  
12       in accordance with subsection (g).

13          (2) *NATURAL DISASTER.*—The term “natural  
14       disaster” mean a wildfire, hurricane or excessive  
15       winds, drought, ice storm or blizzard, flood, or other  
16       resource-impacting event, as determined by the Sec-  
17       retary.

18          (3) *PROGRAM.*—The term “program” means the  
19       pilot arbitration program established by the Secretary  
20       under subsection (b).

21       (b) *ESTABLISHMENT.*—

22          (1) *IN GENERAL.*—The Secretary shall establish  
23       within the Forest Service a pilot arbitration program  
24       to designate any of the projects described in subsection

1       (c) for an alternative dispute resolution process to re-  
 2       place judicial review of the projects.

3           (2) *DESIGNATION PROCESS.*—The Secretary  
 4       shall—

5                   (A) establish a process for the designation of  
 6                   projects for the program in accordance with this  
 7                   section; and

8                   (B) publish in the Federal Register the des-  
 9                   ignation process described in subparagraph (A).

10       (c) *DESIGNATION OF PROJECTS.*—The Secretary may  
 11       designate for the program projects that—

12                   (1)(A) are developed through a collaborative  
 13       process;

14                   (B) are proposed by a resource advisory com-  
 15       mittee;

16                   (C)(i) are necessary to address damage caused by  
 17       a natural disaster on National Forest System land  
 18       that, if not treated—

19                           (I) would impair or endanger the natural  
 20       resources on the National Forest System land;  
 21       and

22                           (II) would materially affect future use of  
 23       the National Forest System land; and

1           (ii) would restore forest health and forest-related  
2           resources on the National Forest System land de-  
3           scribed in clause (i);

4           (D) respond to damage as a result of natural  
5           disasters;

6           (E) address insect or disease infestation;

7           (F) are carried out under the Tribal Forest Pro-  
8           tection Act of 2004 (25 U.S.C. 3115a); or

9           (G) are carried out under community wildfire  
10          protection plans (as defined in section 101 of the  
11          Healthy Forest Restoration Act of 2003 (16 U.S.C.  
12          6511)); and

13          (2) do not constitute final agency action.

14          (d) *LIMITATION OF PROJECTS.*—Not more than 10  
15          projects described in subsection (c) may be designated for  
16          the program in any applicable calendar year.

17          (e) *TERMINATION OF AUTHORITY.*—The authority to  
18          designate a project described in subsection (c) for the pro-  
19          gram terminates on October 1, 2018.

20          (f) *DEMAND FOR ARBITRATION.*—

21               (1) *IN GENERAL.*—Subject to paragraph (2), an  
22          individual or entity—

23                       (A) may file a demand for arbitration re-  
24                       garding a project described in subsection (c) that  
25                       has been designated for the program under sub-

1           *section (b) in accordance with subchapter IV of*  
 2           *chapter 5 of title 5, United States Code; and*

3                     *(B) if a demand for arbitration is filed*  
 4           *under subparagraph (A), shall include in the de-*  
 5           *mand for arbitration a proposal for an alter-*  
 6           *native to the project that describes each modifica-*  
 7           *tion sought with respect to the project.*

8           (2) *REQUIREMENT.*—*A demand for arbitration*  
 9           *may only be filed under paragraph (1) by an indi-*  
 10          *vidual or entity that—*

11                     *(A) participated in a collaborative process;*

12                     *or*

13                     *(B) proposed the project with a resource ad-*  
 14           *visory committee.*

15          (g) *RESPONSIBILITIES OF ARBITRATOR.*—

16                     (1) *IN GENERAL.*—*An arbitrator shall make a*  
 17           *decision on each demand for arbitration under this*  
 18           *section by selecting only—*

19                     *(A) the project, as approved by the Sec-*  
 20           *retary; or*

21                     *(B) a proposal submitted by an individual*  
 22           *or entity under subsection (f)(1)(B).*

23          (2) *LIMITATIONS.*—

24                     (A) *ADMINISTRATIVE RECORD.*—*A decision*  
 25           *of an arbitrator under this subsection shall be*

1           *based solely on the administrative record for the*  
2           *project.*

3           *(B) NO MODIFICATIONS TO PROPOSALS.—*  
4           *An arbitrator may not modify any proposal con-*  
5           *tained in a demand for arbitration under this*  
6           *section.*

7           *(C) DECISION REQUIREMENTS.—A decision*  
8           *of an arbitrator under this subsection shall be—*

9                     *(i) within the authority of the Sec-*  
10                    *retary; and*

11                    *(ii) consistent with each applicable for-*  
12                    *est plan.*

13           *(D) RULES.—Arbitration under this sub-*  
14           *section shall be conducted in accordance with the*  
15           *appropriate rules and procedures of the Amer-*  
16           *ican Arbitration Association.*

17           *(h) EFFECT OF ARBITRATION DECISION.—A decision*  
18           *of an arbitrator under this section—*

19                    *(1) shall not be considered to be a major Federal*  
20                    *action;*

21                    *(2) shall be binding; and*

22                    *(3) shall not be subject to judicial review, except*  
23           *as provided in section 10(a) of title 9, United States*  
24           *Code.*



1 **SEC. 406. NATIONAL FOREST SYSTEM ACCELERATED LAND-**  
 2 **SCAPE RESTORATION PILOT PROGRAM.**

3 (a) *IN GENERAL.*—Title VI of the Healthy Forests Res-  
 4 toration Act of 2003 (16 U.S.C. 6591 et seq.) is amended  
 5 by adding at the end the following:

6 **“SEC. 605. NATIONAL FOREST SYSTEM ACCELERATED LAND-**  
 7 **SCAPE RESTORATION PILOT PROGRAM.**

8 “(a) *DEFINITIONS.*—In this section:

9 “(1) *COLLABORATIVE GROUP.*—The term ‘col-  
 10 laborative group’ means a group of individuals, oper-  
 11 ating in a transparent and inclusive manner, that  
 12 represent a balance of the interests of entities includ-  
 13 ing—

14 “(A) conservation organizations;

15 “(B) timber and forest products organiza-  
 16 tions;

17 “(C) local and tribal governments;

18 “(D) community organizations; and

19 “(E) other multiple-use groups with an in-  
 20 terest in the National Forest System, as deter-  
 21 mined by the Secretary.

22 “(2) *DESIGNATED LANDSCAPE.*—The term ‘des-  
 23 ignated landscape’ means a landscape-scale area des-  
 24 ignated for the pilot program under subsection (b)(2).

25 “(3) *FOREST HEALTH.*—The term ‘forest health’  
 26 means the state in which a forest—

1           “(A)(i) *is durable, resilient, and less prone*  
 2           *to wildfire, insect, or pathogen outbreaks of a se-*  
 3           *verity, size, or quantity that exceeds the natural*  
 4           *range of variation, taking into account the an-*  
 5           *ticipated future conditions of the forest;*

6           “(ii) *supports—*

7                     “(I) *ecosystem services and functions;*  
 8                     *and*

9                     “(II) *populations of native plant spe-*  
 10                    *cies; and*

11                   “(iii) *allows for natural disturbances; or*

12                   “(B) *can maintain or develop, within ac-*  
 13                    *ceptable ranges, regimes of—*

14                             “(i) *species composition;*

15                             “(ii) *ecosystem function and structure;*

16                             “(iii) *hydrologic function; and*

17                             “(iv) *sediment.*

18                   “(4) *PILOT PROGRAM.—The term ‘pilot program’*  
 19                    *means the National Forest System accelerated land-*  
 20                    *scape restoration pilot program established by the*  
 21                    *Secretary under subsection (b)(1).*

22                   “(5) *SECRETARY.—The term ‘Secretary’ means*  
 23                    *the Secretary of Agriculture.*

24                   “(b) *ESTABLISHMENT.—*

1           “(1) *IN GENERAL.*—*The Secretary shall establish*  
 2           *a National Forest System accelerated landscape res-*  
 3           *toration pilot program to restore or maintain des-*  
 4           *ignated landscapes.*

5           “(2) *DESIGNATION.*—*The Secretary, acting*  
 6           *through the Chief of the Forest Service, shall, in ac-*  
 7           *cordance with this subsection, designate for the pilot*  
 8           *program not fewer than 10 landscape-scale areas*  
 9           *within the National Forest System (as defined in sec-*  
 10           *tion 11(a) of the Forest and Rangeland Renewable*  
 11           *Resources Planning Act of 1974 (16 U.S.C. 1609(a)).*

12           “(3) *ELIGIBILITY.*—*Each designated landscape*  
 13           *shall—*

14                   “(A) *include not less than 75,000 acres and*  
 15                   *not more than 1,000,000 acres;*

16                   “(B) *be identified by a collaborative group;*

17                   “(C) *not include any inventoried roadless*  
 18                   *area; and*

19                   “(D) *include forests that—*

20                           “(i) *are not in a state of forest health;*

21                           “(ii) *are at increased risk of high-se-*  
 22                           *verity wildfire; or*

23                           “(iii) *are at increased risk of an insect*  
 24                           *or disease infestation.*

25           “(4) *CONSIDERATION.*—

1           “(A) *IN GENERAL.*—*In designating land-*  
2           *scape-scale areas for the pilot program under*  
3           *paragraph (2), the Secretary shall—*

4                   “(i) *prioritize landscape-scale areas in*  
5                   *which social, ecological, and economic con-*  
6                   *ditions support landscape-scale restoration;*  
7                   *and*

8                   “(ii) *consider the factors described in*  
9                   *subparagraph (B).*

10           “(B) *FACTORS.*—*The factors referred to in*  
11           *subparagraph (A)(i) are the following factors:*

12                   “(i) *The existence of strong collabo-*  
13                   *rative support for landscape-scale restora-*  
14                   *tion.*

15                   “(ii) *The ecological conditions that are*  
16                   *conducive to landscape-scale decisions, such*  
17                   *as broad categories of land that would ben-*  
18                   *efit from similar restoration treatments.*

19                   “(iii) *Economic conditions, such as the*  
20                   *existence of infrastructure in proximity to*  
21                   *the landscape-scale area that can make eco-*  
22                   *nomics use of the forest byproducts of res-*  
23                   *toration.*

24                   “(iv) *The extent to which the land-*  
25                   *scape-scale area is important to support,*

1           *maintain, or improve water quality and*  
2           *watershed function.*

3           “(v) *Other considerations, as deter-*  
4           *mined by the Secretary.*

5           “(5) *PUBLIC NOTICE.—*

6           “(A) *INITIAL NOTICE.—Not later than 90*  
7           *days after the date of enactment of this Act, the*  
8           *Secretary shall publish in the Federal Register a*  
9           *notice of the process for the designation of land-*  
10          *scape-scale areas for the pilot program under*  
11          *paragraph (2).*

12          “(B) *FINAL NOTICE.—Not later than 1 year*  
13          *after the date of enactment of this section, the*  
14          *Secretary shall publish in the Federal Register a*  
15          *notice describing—*

16               “(i) *each designated landscape;*

17               “(ii) *the rationale for designating, in*  
18               *accordance with the requirements described*  
19               *in paragraph (3), each designated land-*  
20               *scape;*

21               “(iii) *any collaborative group used to*  
22               *identify a designated landscape;*

23               “(iv) *an overview of any forest health*  
24               *problem with respect to each designated*  
25               *landscape;*

1 “(v) a discussion of the purpose of, and  
 2 need for, restoration of each designated  
 3 landscape;

4 “(vi) a summary of the management  
 5 actions necessary to achieve restoration of  
 6 each designated landscape;

7 “(vii) findings relating to the short-  
 8 term and long-term risks and impacts of no  
 9 action compared to restoration of each des-  
 10 ignated landscape; and

11 “(viii) a notice of intent to prepare an  
 12 environmental impact statement for treat-  
 13 ment within each designated landscape.

14 “(c) *LANDSCAPE-SCALE ENVIRONMENTAL IMPACT*  
 15 *STATEMENT.*—The Secretary shall prepare, for each des-  
 16 ignated landscape, a landscape-scale environmental impact  
 17 statement for purposes of compliance with the National En-  
 18 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
 19 that—

20 “(1) is commensurate with the geographic scope  
 21 of the designated landscape;

22 “(2) is sufficient to allow—

23 “(A) project-scale implementation;

24 “(B) adaptive management, including site-  
 25 specific options, to ensure that project implemen-

1        *tation stays within the documented range of im-*  
2        *pacts;*

3                *“(C) site descriptions or land allocations*  
4        *that identify locations within the landscape in*  
5        *which specific restoration or maintenance treat-*  
6        *ments can be used appropriately; and*

7                *“(D) standards and guidelines, consistent*  
8        *with the appropriate forest plan and project-level*  
9        *design criteria, for management or other project*  
10       *activities; and*

11       *“(3) includes—*

12                *“(A) an identification of any forest health*  
13       *problem;*

14                *“(B) an identification of the purpose of the*  
15       *treatment, and need, to restore to more resilient*  
16       *and healthy conditions, or to maintain, forest*  
17       *health in the designated landscape;*

18                *“(C) an estimate of the time needed to sat-*  
19       *isfy the purpose and need described in subpara-*  
20       *graph (B) and the scale of the restoration or*  
21       *maintenance treatment needed to satisfy that*  
22       *purpose and need;*

23                *“(D) a description of potential restoration*  
24       *or maintenance treatment that would contribute*

to the satisfaction of the purpose and need described in subparagraph (B); and

“(E) a description of possible changes in circumstances or new information that would require supplemental documentation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

8           “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
9 *authorized to be appropriated to carry out this section*  
10 *\$40,000,000 for each fiscal year beginning with the first*  
11 *full fiscal year after the date of enactment of the Emergency*  
12 *Wildfire and Forest Management Act of 2016 through fiscal*  
13 *year 2018.”.*

(b) CONFORMING AMENDMENT.—The table of contents for the Healthy Forests Restoration Act of 2003 (16 U.S.C. prec. 6501) is amended by adding at the end of the items relating to title VI the following:

“Sec. 602. *Designation of treatment areas.*

“Sec. 603. *Administrative review.*

*“Sec. 604. Stewardship end result contracting projects.*

*“Sec. 605. National Forest System accelerated landscape restoration pilot program.”*

18 *SEC. 407. TENNESSEE WILDERNESS.*

19 (a) *DEFINITIONS.*—*In this section:*

(1) *MAP*.—The term “Map” means the map entitled “Proposed Wilderness Areas and Additions-Cherokee National Forest” and dated January 20, 2010.



1           (2) *STATE.*—*The term “State” means the State*  
2       *of Tennessee.*

3           (b) *DESIGNATION OF WILDERNESS.*—*In accordance*  
4       *with the Wilderness Act (16 U.S.C. 1131 et seq.), the fol-*  
5       *lowing parcels of Federal land in the Cherokee National*  
6       *Forest in the State are designated as wilderness and as ad-*  
7       *ditions to the National Wilderness Preservation System:*

8           (1) *Certain land comprising approximately*  
9       *9,038 acres, as generally depicted as the “Upper Bald*  
10      *River Wilderness” on the Map, which shall be known*  
11      *as the “Upper Bald River Wilderness”.*

12          (2) *Certain land comprising approximately 348*  
13      *acres, as generally depicted as the “Big Frog Addi-*  
14      *tion” on the Map, which shall be incorporated in, and*  
15      *considered to be a part of, the Big Frog Wilderness.*

16          (3) *Certain land comprising approximately 630*  
17      *acres, as generally depicted as the “Little Frog Moun-*  
18      *tain Addition NW” on the Map, which shall be incor-*  
19      *porated in, and considered to be a part of, the Little*  
20      *Frog Mountain Wilderness.*

21          (4) *Certain land comprising approximately 336*  
22      *acres, as generally depicted as the “Little Frog Moun-*  
23      *tain Addition NE” on the Map, which shall be incor-*  
24      *porated in, and considered to be a part of, the Little*  
25      *Frog Mountain Wilderness.*

1           (5) *Certain land comprising approximately*  
2           *2,922 acres, as generally depicted as the “Sampson*  
3           *Mountain Addition” on the Map, which shall be in-*  
4           *corporated in, and considered to be a part of, the*  
5           *Sampson Mountain Wilderness.*

6           (6) *Certain land comprising approximately*  
7           *4,446 acres, as generally depicted as the “Big Laurel*  
8           *Branch Addition” on the Map, which shall be incor-*  
9           *porated in, and considered to be a part of, the Big*  
10          *Laurel Branch Wilderness.*

11          (7) *Certain land comprising approximately*  
12          *1,836 acres, as generally depicted as the “Joyce Kil-*  
13          *mer-Slickrock Addition” on the Map, which shall be*  
14          *incorporated in, and considered to be a part of, the*  
15          *Joyce Kilmer-Slickrock Wilderness.*

16          (c) *MAPS AND LEGAL DESCRIPTIONS.—*

17               (1) *IN GENERAL.—As soon as practicable after*  
18               *the date of enactment of this Act, the Secretary shall*  
19               *file maps and legal descriptions of the wilderness*  
20               *areas designated by subsection (b) with the appro-*  
21               *priate committees of Congress.*

22               (2) *PUBLIC AVAILABILITY.—The maps and legal*  
23               *descriptions filed under paragraph (1) shall be on file*  
24               *and available for public inspection in the office of the*

1     *Chief of the Forest Service and the office of the Super-*  
2     *visor of the Cherokee National Forest.*

3             (3) *FORCE OF LAW.*—*The maps and legal de-*  
4     *scriptions filed under paragraph (1) shall have the*  
5     *same force and effect as if included in this Act, except*  
6     *that the Secretary may correct typographical errors*  
7     *in the maps and descriptions.*

8             (d) *ADMINISTRATION.*—

9             (1) *IN GENERAL.*—*Subject to valid existing*  
10    *rights, the Federal land designated as wilderness by*  
11    *subsection (b) shall be administered by the Secretary*  
12    *in accordance with the Wilderness Act (16 U.S.C.*  
13    *1131 et seq.), except that any reference in that Act to*  
14    *the effective date of that Act shall be deemed to be a*  
15    *reference to the date of enactment of this Act.*

16            (2) *FISH AND WILDLIFE MANAGEMENT.*—*In ac-*  
17    *cordance with section 4(d)(7) of the Wilderness Act*  
18    *(16 U.S.C. 1133(d)(7)), nothing in this section affects*  
19    *the jurisdiction of the State with respect to fish and*  
20    *wildlife management (including the regulation of*  
21    *hunting, fishing, and trapping) in the wilderness*  
22    *areas designated by subsection (b).*

1 **SEC. 408. ADDITIONAL AUTHORITY FOR SALE OR EX-**  
 2 **CHANGE OF SMALL PARCELS OF NATIONAL**  
 3 **FOREST SYSTEM LAND.**

4 (a) *INCREASE IN MAXIMUM VALUE OF SMALL PAR-*  
 5 *CELS.—Section 3 of Public Law 97–465 (commonly known*  
 6 *as the “Small Tract Act of 1983”) (16 U.S.C. 521e) is*  
 7 *amended in the matter preceding paragraph (1) by striking*  
 8 *“\$150,000” and inserting “\$500,000”.*

9 (b) *ADDITIONAL CONVEYANCE PURPOSES.—Section 3*  
 10 *of Public Law 97–465 (16 U.S.C. 521e) (as amended by*  
 11 *subsection (a)) is amended—*

12 (1) *in paragraph (2), by striking “; or” and in-*  
 13 *serting a semicolon;*

14 (2) *in paragraph (3), by striking the period at*  
 15 *the end and inserting a semicolon; and*

16 (3) *by adding at the end the following:*

17 “(4) *parcels of 40 acres or less that are deter-*  
 18 *mined by the Secretary—*

19 “(A) *to be physically isolated;*

20 “(B) *to be inaccessible; or*

21 “(C) *to have lost National Forest character;*

22 “(5) *parcels of 10 acres or less that are not eligi-*  
 23 *ble for conveyance under paragraph (2) but are en-*  
 24 *croached on by a permanent habitable improvement*  
 25 *for which there is no evidence that the encroachment*  
 26 *was intentional or negligent; or*

1           “(6) *parcels used as a cemetery (including a*  
 2           *parcel of not more than 1 acre adjacent to the parcel*  
 3           *used as a cemetery), a landfill, or a sewage treatment*  
 4           *plant under a special use authorization issued or oth-*  
 5           *erwise authorized by the Secretary.*”.

6           (c) *DISPOSITION OF PROCEEDS.—Section 2 of Public*  
 7           *Law 97–465 (16 U.S.C. 521d) is amended—*

8                   (1) *in the matter preceding paragraph (1), by*  
 9                   *striking “The Secretary is authorized” and inserting*  
 10                   *the following:*

11                   “(a) *CONVEYANCE AUTHORITY; CONSIDERATION.—The*  
 12                   *Secretary is authorized*”;

13                   (2) *in paragraph (2), in the second sentence, by*  
 14                   *striking “The Secretary shall insert” and inserting*  
 15                   *the following:*

16                   “(b) *INCLUSION OF TERMS, COVENANTS, CONDITIONS,*  
 17                   *AND RESERVATIONS.—*

18                           “(1) *IN GENERAL.—The Secretary shall insert*”;

19                           (3) *in subsection (b) (as so designated)—*

20                                   (A) *by striking “covenants” and inserting*  
 21                                   *“covenants”; and*

22                                   (B) *in the second sentence by striking “The*  
 23                                   *preceding sentence shall not” and inserting the*  
 24                                   *following:*

1           “(2) *LIMITATION.*—*Paragraph (1) shall not*”;  
 2       *and*

3           *(4) by adding at the end the following:*

4       “(c) *DISPOSITION OF PROCEEDS.*—

5           “(1) *DEPOSIT IN SISK FUND.*—*The net proceeds*  
 6       *derived from any sale or exchange conducted under*  
 7       *paragraph (4), (5), or (6) of section 3 shall be depos-*  
 8       *ited in the fund established under Public Law 90–171*  
 9       *(commonly known as the ‘Sisk Act’) (16 U.S.C.*  
 10      *484a).*

11          “(2) *USE.*—*Amounts deposited under paragraph*  
 12      *(1) shall be available to the Secretary until expended*  
 13      *for—*

14           “(A) *the acquisition of land or interests in*  
 15      *land for administrative sites for the National*  
 16      *Forest System in the State from which the*  
 17      *amounts were derived;*

18           “(B) *the acquisition of land or interests in*  
 19      *land for inclusion in the National Forest System*  
 20      *in that State, including land or interests in land*  
 21      *that enhance opportunities for recreational ac-*  
 22      *cess;*

23           “(C) *the performance of deferred mainte-*  
 24      *nance on administrative sites for the National*  
 25      *Forest System in that State or other deferred*

1           *maintenance activities in that State that en-*  
 2           *hance opportunities for recreational access; or*

3           “(D) *the reimbursement of the Secretary for*  
 4           *costs incurred in preparing a sale conducted*  
 5           *under the authority of section 3 if the sale is a*  
 6           *competitive sale.”.*

7   **SEC. 409. EXTENSION OF AUTHORIZATION FOR CONVEY-**  
 8           **ANCE OF FOREST SERVICE ADMINISTRATIVE**  
 9           **SITES.**

10       *Section 503(f) of the Forest Service Facility Realign-*  
 11       *ment and Enhancement Act of 2005 (16 U.S.C. 580d note;*  
 12       *Public Law 109–54) is amended by striking “2016” and*  
 13       *inserting “2018”.*

14   **SEC. 410. PRESCRIBED BURN APPROVAL.**

15       (a) *DEFINITIONS.—In this section:*

16           (1) *NATIONAL FIRE DANGER RATING SYSTEM.—*  
 17       *The term “national fire danger rating system” means*  
 18       *the national system used to provide a measure of fire*  
 19       *danger according to a range of low to moderate to*  
 20       *high to very high to extreme.*

21           (2) *PRESCRIBED BURN.—The term “prescribed*  
 22       *burn” means a planned fire intentionally ignited.*

23       (b) *LIMITATIONS ON PRESCRIBED BURNS.—*

24           (1) *IN GENERAL.—Except as provided in para-*  
 25       *graph (2), the head of a Federal agency shall not au-*

1        *thorize a prescribed burn on Federal land if, for the*  
 2        *county or contiguous county in which the Federal*  
 3        *land is located, the national fire danger rating system*  
 4        *indicates an extreme fire danger level.*

5            (2) *EXCEPTION.—The head of a Federal agency*  
 6        *may authorize a prescribed burn under a condition*  
 7        *described in paragraph (1) if the head of the Federal*  
 8        *agency coordinates with the applicable State govern-*  
 9        *ment and local fire officials.*

10           (3) *REPORT.—At the end of each fiscal year, the*  
 11        *Chief of the Forest Service shall submit to Congress*  
 12        *a report describing—*

13                    (A) *the number and locations of prescribed*  
 14                    *burns during that fiscal year; and*

15                    (B) *each prescribed burn during that fiscal*  
 16                    *year that was authorized by the head of a Fed-*  
 17                    *eral agency pursuant to paragraph (2).*

18    **SEC. 411. NORTH CAROLINA WILDERNESS STUDY AREAS.**

19        *The Secretary shall not designate any land in the*  
 20        *Nantahala National Forest or the Pisgah National Forest*  
 21        *in the State of North Carolina as a wilderness study area*  
 22        *unless each affected county approves the designation.*



1   ***TITLE V—KISATCHIE NATIONAL***  
 2   ***FOREST LAND CONVEYANCE***

3   ***SEC. 501. SHORT TITLE.***

4       *This title may be cited as the “Kisatchie National For-*  
 5   *est Land Conveyance Act of 2016”.*

6   ***SEC. 502. FINDING.***

7       *Congress finds that it is in the public interest to au-*  
 8   *thorize the conveyance of certain Federal land in the*  
 9   *Kisatchie National Forest in the State of Louisiana for*  
 10   *market value consideration.*

11   ***SEC. 503. DEFINITIONS.***

12       *In this title:*

13           (1) *COLLINS CAMP PROPERTIES.*—*The term*  
 14       *“Collins Camp Properties” means Collins Camp*  
 15       *Properties, Inc., a corporation incorporated under the*  
 16       *laws of the State.*

17           (2) *SECRETARY.*—*The term “Secretary” means*  
 18       *the Secretary of Agriculture.*

19           (3) *STATE.*—*The term “State” means the State*  
 20       *of Louisiana.*

21   ***SEC. 504. AUTHORIZATION OF CONVEYANCES.***

22       (a) *AUTHORIZATION.*—

23           (1) *IN GENERAL.*—*Subject to valid existing*  
 24       *rights and subsection (b), the Secretary may convey*  
 25       *the Federal land described in paragraph (2) by quit-*

1        *claim deed at public or private sale, including com-*  
 2        *petitive sale by auction, bid, or other methods.*

3            (2) *DESCRIPTION OF LAND.*—*The Federal land*  
 4        *referred to in paragraph (1) consists of—*

5            (A) *all Federal land within sec. 9, T. 10 N.,*  
 6        *R. 5 W., Winn Parish, Louisiana; and*

7            (B) *a 2.16-acre parcel of Federal land lo-*  
 8        *cated in the SW<sup>1</sup>/<sub>4</sub> of sec. 4, T. 10 N., R. 5 W.,*  
 9        *Winn Parish, Louisiana, as depicted on a cer-*  
 10       *tificate of survey dated March 7, 2007, by Glen*  
 11       *L. Cannon, P.L.S. 4436.*

12        (b) *FIRST RIGHT OF PURCHASE.*—*Subject to valid ex-*  
 13       *isting rights and section 506, during the 1-year period be-*  
 14       *ginning on the date of enactment of this Act, on the provi-*  
 15       *sion of consideration by the Collins Camp Properties to the*  
 16       *Secretary, the Secretary shall convey, by quitclaim deed,*  
 17       *to Collins Camp Properties all right, title and interest of*  
 18       *the United States in and to—*

19            (1) *not more than 47.92 acres of Federal land*  
 20        *comprising the Collins Campsites within sec. 9, T. 10*  
 21        *N., R. 5 W., in Winn Parish, Louisiana, as generally*  
 22        *depicted on a certificate of survey dated February 28,*  
 23        *2007, by Glen L. Cannon, P.L.S. 4436; and*

24            (2) *the parcel of Federal land described in sub-*  
 25        *section (a)(2)(B).*

1       (c) *TERMS AND CONDITIONS.*—*The Secretary may—*

2               (1) *configure the Federal land to be conveyed*  
3       *under this title—*

4                       (A) *to maximize the marketability of the*  
5       *conveyance; or*

6                       (B) *to achieve management objectives; and*

7               (2) *establish any terms and conditions for the*  
8       *conveyances under this title that the Secretary deter-*  
9       *mines to be in the public interest.*

10       (d) *CONSIDERATION.*—*Consideration for a conveyance*  
11 *of Federal land under this title shall be—*

12               (1) *in the form of cash; and*

13               (2) *in an amount equal to the market value of*  
14 *the Federal land being conveyed, as determined under*  
15 *subsection (e).*

16       (e) *MARKET VALUE.*—*The market value of the Federal*  
17 *land conveyed under this title shall be determined—*

18               (1) *in the case of Federal land conveyed under*  
19 *subsection (b), by an appraisal that is—*

20                       (A) *conducted in accordance with the Uni-*  
21 *form Appraisal Standards for Federal Land Ac-*  
22 *quisitions; and*

23                       (B) *approved by the Secretary; or*

24               (2) *if conveyed by a method other than the meth-*  
25 *ods described in subsection (b), by competitive sale.*

1       (f) *HAZARDOUS SUBSTANCES.*—

2             (1) *IN GENERAL.*—

3                 (A) *DISCLOSURE AND REMEDIATION.*—*In*  
4                 *any conveyance of Federal land under this title*  
5                 *to Collins Camp Properties, or any occupant re-*  
6                 *siding on the Federal land under a special use*  
7                 *permit issued by the Forest Service, the Sec-*  
8                 *retary shall meet disclosure requirements for haz-*  
9                 *ardous substances, pollutants, and contaminants,*  
10                *but shall not otherwise be required to remediate*  
11                *or abate the hazardous substances, pollutants, or*  
12                *contaminants.*

13                (B) *INDEMNIFICATION.*—*Collins     Camp*  
14                *Properties, or any occupant residing on the Fed-*  
15                *eral land conveyed under this title under a spe-*  
16                *cial use permit issued by the Forest Service, that*  
17                *acquires the Federal land shall agree, as a condi-*  
18                *tion of the conveyance, to indemnify and hold*  
19                *harmless the United States for costs associated*  
20                *with the remediation or abatement of any haz-*  
21                *ardous substances, pollutants, or contaminants*  
22                *located on the acquired land.*

23                (2) *EFFECT.*—*Nothing in this section otherwise*  
24                *affects the application of the Comprehensive Environ-*  
25                *mental Response, Compensation, and Liability Act of*

1       1980 (42 U.S.C. 9601 et seq.) to the conveyances of  
2       Federal land.

3       **SEC. 505. PROCEEDS FROM THE SALE OF LAND.**

4       (a) *DEPOSIT OF RECEIPTS.*—The Secretary shall de-  
5       posit the proceeds of a conveyance of Federal land under  
6       section 504 in the fund established under Public Law 90–  
7       171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

8       (b) *USE OF FUNDS.*—Amounts deposited under sub-  
9       section (a) shall be available to the Secretary until ex-  
10      pended, without further appropriation, for the acquisition  
11      of land and interests in land in the Kisatchie National For-  
12      est in the State.

13      **SEC. 506. ADMINISTRATION.**

14      (a) *COSTS.*—As a condition of a conveyance of Federal  
15      land to Collins Camp Properties under section 504, the Sec-  
16      retary shall require Collins Camp Properties to pay at clos-  
17      ing—

18              (1) *reasonable appraisal costs; and*

19              (2) *the cost of any administrative and environ-*  
20      *mental analyses required by law (including regula-*  
21      *tions).*

22      (b) *PERMITS.*—

23              (1) *IN GENERAL.*—An offer by Collins Camp  
24      Properties for the acquisition of the Federal land  
25      under section 504 shall be accompanied by a written

1 *statement from each holder of a Forest Service special*  
 2 *use authorization with respect to the Federal land*  
 3 *that specifies that the holder agrees to relinquish the*  
 4 *special use authorization on the conveyance of the*  
 5 *Federal land to Collins Camp Properties.*

6 (2) *SPECIAL USE AUTHORIZATIONS.—If any*  
 7 *holder of a special use authorization described in*  
 8 *paragraph (1) fails to provide a written authoriza-*  
 9 *tion in accordance with that paragraph, the Sec-*  
 10 *retary shall require, as a condition of the conveyance,*  
 11 *that Collins Camp Properties administer the special*  
 12 *use authorization according to the terms of the special*  
 13 *use authorization until the date on which the special*  
 14 *use authorization expires.*

15 ***TITLE VI—CHATTAHOOCHEE-***  
 16 ***OCONEE NATIONAL FOREST***  
 17 ***LAND ADJUSTMENT***

18 ***SEC. 601. SHORT TITLE.***

19 *This title may be cited as the “Chattahoochee-Oconee*  
 20 *National Forest Land Adjustment Act of 2016”.*

21 ***SEC. 602. FINDINGS.***

22 *Congress finds that—*

23 (1) *certain National Forest System land in the*  
 24 *State of Georgia consists of isolated tracts that—*

25 (A) *are inefficient to manage; or*

1                   (B) have lost the principal value of the  
2                   tracts for the National Forest System;

3                   (2) the disposal of the land described in para-  
4                   graph (1) would be in the public interest; and

5                   (3) the best use of proceeds from the sale of land  
6                   authorized under this title is the purchase by the Sec-  
7                   retary of land in the State of Georgia for the Na-  
8                   tional Forest System.

9   **SEC. 603. DEFINITION OF SECRETARY.**

10           In this title, the term “Secretary” means the Secretary  
11           of Agriculture.

12   **SEC. 604. LAND CONVEYANCE AUTHORITY.**

13           (a) *IN GENERAL.*—Subject to valid existing rights, the  
14           Secretary is authorized to sell or exchange all right, title,  
15           and interest of the United States in and to the National  
16           Forest System land described in subsection (b) under terms  
17           and conditions that the Secretary may prescribe.

18           (b) *LAND AUTHORIZED FOR DISPOSAL.*—

19                   (1) *IN GENERAL.*—The land referred to in sub-  
20                   section (a) consists of 30 tracts of land totaling ap-  
21                   proximately 3,841 acres generally depicted on 2 maps  
22                   entitled “Priority Land Adjustments, State of Geor-  
23                   gia, U.S. Forest Service—Southern Region, Oconee  
24                   and Chattahoochee National Forests, U.S. Congres-

1        *sional Districts—8, 9, 10 & 14” and dated September*  
 2        *24, 2013.*

3                (2) *INSPECTION OF MAPS.—The maps described*  
 4        *in paragraph (1) shall be on file and available for*  
 5        *public inspection in the Office of the Forest Super-*  
 6        *visor, Chattahoochee-Oconee National Forest, until the*  
 7        *land is sold or exchanged under subsection (a).*

8                (3) *MODIFICATION OF BOUNDARIES.—The Sec-*  
 9        *retary may modify the boundaries of the land de-*  
 10       *scribed in paragraph (1) based on land management*  
 11       *considerations.*

12        (c) *FORM OF CONVEYANCE.—*

13                (1) *QUITCLAIM DEED.—The Secretary shall con-*  
 14       *vey land sold or exchanged under subsection (a) by*  
 15       *quitclaim deed.*

16                (2) *RESERVATIONS.—The Secretary may reserve*  
 17       *any right-of-way or other right or interest in land*  
 18       *sold or exchanged under subsection (a) that the Sec-*  
 19       *retary considers necessary—*

20                        (A) *for management purposes; or*

21                        (B) *to protect the public interest.*

22        (d) *VALUATION.—*

23                (1) *MARKET VALUE.—The Secretary may not*  
 24       *sell or exchange land under subsection (a) for less*



1        *than market value, as determined by appraisal or*  
 2        *through a competitive bidding process.*

3            (2) *APPRAISAL REQUIREMENTS.—An appraisal*  
 4        *under paragraph (1) shall be—*

5                    (A) *consistent with—*

6                            (i) *the Uniform Appraisal Standards*  
 7                            *for Federal Land Acquisitions; or*

8                            (ii) *the Uniform Standards of Profes-*  
 9                            *sional Appraisal Practice; and*

10                    (B) *subject to the approval of the Secretary.*

11        (e) *CONSIDERATION.—*

12                    (1) *CASH.—Consideration for a sale of land or*  
 13        *equalization of an exchange under subsection (a) shall*  
 14        *be paid in cash.*

15                    (2) *EXCHANGE.—Notwithstanding section 206(b)*  
 16        *of the Federal Land Policy and Management Act of*  
 17        *1976 (43 U.S.C. 1716(b)), the Secretary may accept*  
 18        *a cash equalization payment in excess of 25 percent*  
 19        *of the value of land exchanged under subsection (a).*

20        (f) *METHOD OF SALE.—*

21                    (1) *OPTIONS.—The Secretary may sell land*  
 22        *under subsection (a) at public or private sale, includ-*  
 23        *ing competitive sale by auction, bid, or otherwise, in*  
 24        *accordance with any terms, conditions, or procedures*

1        *the Secretary determines are in the best interest of the*  
 2        *United States.*

3            (2) *SOLICITATIONS.—The Secretary may—*

4                    (A) *make public or private solicitations for*  
 5                    *the sale or exchange of land under subsection (a);*  
 6                    *and*

7                    (B) *reject any offer that the Secretary deter-*  
 8                    *mines is not—*

9                            (i) *adequate; or*

10                           (ii) *in the public interest.*

11        (g) *BROKERS.—The Secretary may—*

12                    (1) *use a broker or other third party in the sale*  
 13                    *or exchange of land under subsection (a); and*

14                    (2) *from the proceeds of a sale or exchange of*  
 15                    *land under subsection (a), pay reasonable commis-*  
 16                    *sions or fees, if applicable.*

17    **SEC. 605. TREATMENT OF PROCEEDS.**

18        (a) *DEPOSIT.—Except as provided in section*  
 19        *604(g)(2), the Secretary shall deposit the proceeds or cash*  
 20        *equalization payment of a sale or exchange under section*  
 21        *604(a) in the fund established under Public Law 90–171*  
 22        *(commonly known as the “Sisk Act”) (16 U.S.C. 484a).*

23        (b) *AVAILABILITY AND USE.—Subject to subsection (c),*  
 24        *amounts deposited under subsection (a) shall be available*  
 25        *to the Secretary until expended, without further appropria-*

1 *tion, only for the acquisition of land in the State of Georgia*  
2 *for the National Forest System.*

3       (c) *PRIVATE PROPERTY PROTECTION.*—*Nothing in*  
4 *this title authorizes the use of amounts deposited under sub-*  
5 *section (a) to be used to acquire land without the written*  
6 *consent of the owner of the land.*

Calendar No. 634

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 2647**

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## **AN ACT**

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To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

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SEPTEMBER 19, 2016

Reported with an amendment